Supreme Court, U.S.
FILED
FEB 28 2000
CLERK

No. 99-699

IN THE
Supreme Court of the United States

BOY SCOUTS OF AMERICA and MONMOUTH COUNCIL, BOY SCOUTS OF AMERICA,
Petitioners,

v.

JAMES DALE,
Respondent.

On Writ of Certiorari to the Supreme Court of New Jersey

JOINT APPENDIX
Volume II

GEORGE A. DAVIDSON
Counsel of Record
CARLA A. KERR
HUGHES HUBBARD & REED LLP
One Battery Park Plaza
New York, New York 10004
(212) 837-6000

MICHAEL W. MCCONNELL
2301 S. Benchmark Cir.
Salt Lake City, Utah 84109
Attorneys for Petitioners

EVAN WOLFSON
Counsel of Record
DAVID BUCKEL
JON W. DAVIDSON
BEATRICE DOHRN
RUTH HARLOW
LAMBDA LEGAL DEFENSE AND EDUCATIONAL FUND, INC.
120 Wall Street, Suite 1500
New York, New York 10005
(212) 809-8585
Attorneys for Respondent

(Attorneys Listing Continued on Inside Cover)

CERTIORARI GRANTED JANUARY 14, 2000
PETITION FOR CERTIORARI FILED OCTOBER 25, 1999

DAVID K. PARK
National Legal Counsel
Boy Scouts of America
1325 Walnut Hill Lane
Irving, Texas 75015

SANFORD D. BROWN
CERRATO, DAWES, COLLINS,
SAKER, BROWN & WILDER
509 Stillwells Corner Road
Freehold, New Jersey 07728
Attorneys for Petitioners

THOMAS J. MOLONEY
ALLYSON W. HAYNES
SETH A. STUHL
KIERITH A. JONES
CLEARY, GOTTLIEB, STEEN
& HAMILTON
One Liberty Plaza
New York, New York 10006
(212) 225-2000

LEWIS H. ROBERTSON
231 Maple Avenue
P.O. Box Y
Red Bank, New Jersey 17701
(732) 842-6660
Attorneys for Respondent

TABLE OF CONTENTS

	Page
Relevant Docket Entries in the Superior Court of New Jersey, Chancery Division in *Dale v. The Boy Scouts of America and The Monmouth Council, Boy Scouts of America*	1
Relevant Docket Entries in the Superior Court of New Jersey, Appellate Division in *Dale*	5
Relevant Docket Entries in the Supreme Court of New Jersey in *Dale*	7
Complaint	10
Answer	30
Selected Exhibits to Certification of Ayala Deutsch, Attorney for Respondent	
Fact Sheet – Order of the Arrow (excerpts)	43
Fact Sheet – The Presidents of the United States and the Boy Scouts of America	46
Fact Sheet – What Is Boy Scouting?	56
A Representative Membership (1975) (excerpts)	64
Organizations that Use Scouting (excerpts)	69
Fact Sheet – Community Organizations and The Boy Scouts of America (excerpts)	93
The Chartered Organization Representative (excerpts)	99
Announcements of Meetings for Prospective Cub Scouts	102

Press Release Announcing School Night for Scouting by Monmouth Council 104

Fact Sheet – BSA at a Glance (1991) 106

Affidavit of James Dale in Support of Motion for Summary Judgment (Sept. 9, 1993) 112

Selected Exhibits to Affidavit of James Dale

Letter from James W. Kay to James R. Dale (July 19, 1990) 135

Letter from James R. Dale to James W. Kay (Aug. 8, 1990) 136

Letter from James W. Kay to James R. Dale (Aug. 10, 1990) 137

Letter from David K. Park, Esq. to Glenn Gordon, Esq. (Dec. 21, 1990) 138

Affidavit of Gerald Dick in Support of Plaintiff's Motion for Summary Judgment (Sept. 8, 1993) 139

Certification of Michael Adam Kivetz (Aug. 13, 1993) 149

Certification of Reverend Donald K. Hummel in Support of Defendants' Cross-Motion for Summary Judgment (Nov. 3, 1993) 155

Selected Exhibit to Certification of Reverend Donald K. Hummel

A Scout is Reverent – A Manual for Scouts of Catholic Faith (excerpts) 162

Certification of Adam S. Bogner in Support of Defendants' Cross-Motion for Summary Judgment (Nov. 4, 1993) 168

Selected Exhibits to Certification of Adam S. Bogner

Boy Scouts of America Mission Statement 184

The Scout Oath 184

The Scout Law 184

Boy Scout Handbook (1992 Printing) (excerpts) 185

Scoutmaster Handbook (1990) (excerpts) 232

Woods Wisdom Troop Program Features (excerpts) 274

Order of the Arrow Handbook – Boy Scouts of America (1992) (excerpts) 291

Troop Committee Guidebook – Boy Scouts of America (1992 Printing) (excerpts) 299

Certification of James W. Kay in Support of Defendants' Cross-Motion for Summary Judgment (Nov. 9, 1993) 306

Exhibits to Certification of James W. Kay

Charter of Boy Scouts of America 314

Bylaws of Boy Scouts of America 322

Rules and Regulations of the Boy Scouts of America 373

Certification of Dr. Ricky L. Slavings in Support of Defendants' Cross-Motion for Summary Judgment (Oct. 26, 1993) 443

Certification of P. Karl Rowley in Support of Defendants' Cross-Motion for Summary Judgment (Nov. 9, 1993) 450

Exhibits to Certification of P. Karl Rowley

Boy Scouts of America Position Statement (Mar. 17, 1978) 453

Boy Scouts of America Position Statement (June 6, 1991) 457

Boy Scouts of America Position Statement (Feb. 15, 1991) 458

Boy Scouts of America Position Statement (May 6, 1992) 459

Boy Scouts of America Position Statement (Jan. 1993) 460

Certification of Earl C. Wightman in Support of Defendants' Cross-Motion for Summary Judgment (Oct. 16, 1993) 462

Transcript of a Segment of the Joan Rivers Show of July 16, 1993 entitled "Gays in Uniform" 466

Transcript of Deposition of James Dale (May 10, 1993) (excerpts) 474

Selected Exhibits to the Deposition of James Dale

Speech by Jim Dick (May 10, 1993) 505

From an Eagle Scout to Persona Non Grata, *The New York Times* (Aug. 5, 1992) 510

Ex-Eagle Scout Sues Over Ban on Homosexuals, *The New York Times* (July 30, 1992) 513

Seminar Addresses Needs of Homosexual Teens, *The Star-Ledger* (July 8, 1990) 515

The Gay Boy Scout, *Philadelphia* (Jan. 1993) 519

Scoutmaster's Handbook (1972) (excerpts) 542

Expelled Scout Is Taking Lessons to Heart, *The Seattle Times* (July 10, 1992) 548

United Press International article (Apr. 30, 1981) 551

Homosexual Loses Bid to Become Scout Leader, *United Press International* (July 7, 1981) 554

Affidavit of Reverend George Wayne Freyberger in Support of Plaintiff's Motion for Summary Judgment (Jan. 3, 1994) 556

Affidavit of Reverend Richard Giffen in Support of Plaintiff's Motion for Summary Judgment (Jan. 4, 1994) 562

Affidavit of Bishop Thomas Gumbleton in Support of Plaintiff's Motion for Summary Judgment (Jan. 6, 1994) 567

Affidavit of Reverend William A. Hanson (Dec. 31, 1993) 573

Selected Exhibit to the Certification of Patrick G. Marette, Attorney for Respondent

Brief of *Amici Curiae* James E. Andrews as Stated Clerk of the Presbyterian Church (U.S.A) General Assembly, *et al.* in *The Presbytery of New Jersey of The Orthodox Presbyterian Church et al. v. Florio et al.*, No. 92-5339 (3rd Cir.)..... 578

Affidavit of Rabbi Alexander Schindler in Support of Plaintiff's Motion for Summary Judgment (Jan. 4, 1994)..... 596

Selected Exhibits to Affidavit of Rabbi Alexander Schindler

Resolution by Central Conference of American Rabbis (Apr. 9, 1992)..... 605

Resolution of the National Federation of Temple Youth (1992-93)..... 606

Affidavit of Bishop John S. Spong in Support of Plaintiff's Motion for Summary Judgment (Jan. 5, 1994)..... 607

Affidavit of Father Paul Surlis in Support of Plaintiff's Motion for Summary Judgment (Jan. 6, 1994)..... 614

Certification of Bishop Melvin Wheatley, Jr. in Support of Plaintiff's Motion for Summary Judgment (Dec. 30, 1993)..... 618

Certification of Dr. Michael Cahn in Support of Plaintiff's Motion for Summary Judgment (Dec. 21, 1993)..... 623

Exhibit to Certification of Dr. Michael Cahn

Resolution of Troop Commitee of Scout Troop 260 (Dec. 30, 1991)..... 630

Supplemental Affidavit of James Dale in Support of Motion for Summary Judgment (Dec. 31, 1993)..... 631

Certification of Mary Lou Goeke (Dec. 31, 1993)..... 635

Exhibit to Certification of Mary Lou Goeke

Letter from Dean R. Crafton to Mary Lou Goeke (Feb. 10, 1993)..... 637

Certification of Robert Gwinn (Jan. 5, 1994)..... 638

Exhibits to Certification of Robert Gwinn

Letter from Robert Gwinn to National Board of Boy Scouts of America..... 640

Resolution of Executive Board of Baden-Powell Council, Inc. (Apr. 29, 1992)..... 644

Resolution of Baden-Powell Council, Inc. (May 13, 1993)..... 645

Affidavit of William A. J. Kirkner in Support of Plaintiff's Motion for Summary Judgment (Dec. 30, 1993)..... 647

Certification of David A. Rice in Support of Plaintiff's Motion for Summary Judgment (Dec. 23, 1993)..... 658

Affidavit of Robert L. Smith, Jr. in Support of Plaintiff's Motion for Summary Judgment (Jan. 3, 1993)..... 665

Affidavit of Dr. Bryant L. Welch in Support of Plaintiff's Motion for Summary Judgment (Jan. 4, 1994) 675

Certification of Charles Albert Wolfe (Aug. 30, 1993) 685

Transcript of Deposition of Charles D. Ball (Mar. 18, 1993 (excerpts) 691

Selected Exhibits to the Certification of Steven M. Knecht, Attorney for Respondent

1991 Annual Report — Boy Scouts of America (excerpts) 698

United Way Threatens to Cut Aid to Boy Scouts, *The New York Times* (Dec. 17, 1993) 700

Scouts' Ouster of Gay Ends United Way Aid, *Chicago Tribune* (Dec. 18, 1993) 704

Go for the Eagle – A Guide to Achieving Scouting's Highest Rank (excerpts) 705

Certification of Reverend John Giffin (Jan. 27, 1994) 707

Certification of Rabbi Arthur Vernon (Jan. 26, 1994) 710

Certification of Reverend Jerald C. Joersz (Jan. 25, 1994) 714

Certification of Elder Jack H. Goaslind in Support of Defendants' Cross-Motion for Summary Judgment (Jan. 26, 1994) 719

Supplemental Certification of Reverend Donald K. Hummel (Jan. 26, 1994) 722

Certification of Reverend Sam Houston in Support of Defendants' Cross-Motion for Summary Judgment (Jan. 24, 1994) 724

Certification of Reverend Dr. Barry M. Walker (Jan. 25, 1994) 727

Certification of Dr. Park Dietz in Support of Defendants' Cross-Motion for Summary Judgment (Jan. 24, 1994) 731

Supplemental Certification of Dr. Ricky L. Slavings (Jan. 26, 1994) 736

Certification of Parvin L. Bishop (Jan. 26, 1994) 745

Supplemental Certification of David K. Park (Jan. 26, 1994) 748

Transcript of Deposition of James William Kay (Jan. 19, 1993) (excerpts) 750

The following opinions and statutory provisions have been omitted in printing this Joint Appendix because they appear at the following pages in the appendix to the printed Petition for a Writ of Certiorari:

Opinion of the Supreme Court of New Jersey 1a

Opinion of the Superior Court of New Jersey, Appellate Division 102a

Opinion of the Superior Court of New Jersey, Chancery Division 155a

N.J. Stat. Ann. §§ 10:5-4, 10:5-5(l), and 10:5-5(hh) 255a

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, MONMOUTH COUNTY

[CAPTION OMITTED]

CERTIFICATION OF JAMES W. KAY IN SUPPORT OF DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT

STATE OF NEW JERSEY)
) ss.:
MONMOUTH COUNTY)

James W. Kay certifies:

1. I am employed by Monmouth Council, Boy Scouts of America ("Monmouth Council") as Council Executive. I submit this certification in support of defendants' cross-motion for summary judgment.

2. I first became associated with Scouting in 1950 when I joined Boy Scouts of America ("Boy Scouts") as a Cub Scout. I remained a member of Boy Scouts, first as a Cub Scout and later as a Boy Scout, until the age of eighteen.

3. In 1960, after I turned 18, I applied for adult membership in Boy Scouts as an Assistant Scoutmaster. I became employed as a commissioned professional Scouter in 1965. I have been been employed successively in several different local Councils in various positions as a professional Scouter since then. I became Council Executive of Monmouth Council in 1988.

Boy Scouts' Organization

4. Boy Scouts is a volunteer movement dedicated to instilling values in boys and young people. Boy Scouting is for boys in the 11 to 18 group. The Tiger Cubs and Cub Scouts are for younger boys, and Exploring is for young men and women ages 14 through 20.

5. A separately incorporated subsidiary of Boy Scouts offers a curriculum called Learning for Life to schools for use during instructional time. Students studying the Learning for Life curriculum are not asked to take an oath or promise or to become members of Boy Scouts.

6. Boy Scouts charters local groups to form and maintain Packs, Troops and Posts. A sponsoring group may be a religious, civic, fraternal or educational organization or other group of citizens. Packs, Troops and Posts are self-financed.

7. Sponsoring groups are charged with providing suitable meeting places and activities, identifying adult leaders, and designating a Chartered Organization Representative, who acts as liaison between the local council and the Pack, Troop or Post. In order to serve as a Scoutmaster or in another adult leader position, an individual must become a registered adult member of Boy Scouts.

8. Boy Scouts volunteers at all levels serve without compensation or material reward of any kind. Boy Scouts volunteers receive no compensation, fringe benefits, workers compensation protection or any other forms of remuneration for their volunteer service.

9. Boy Scouts also charters local councils such as Monmouth Council, which are separate not-for-profit

organizations, to support local Scouting groups in a given geographic area. The geographic area covered by Monmouth Council is all but the westernmost portion of Monmouth County. Local councils are divided into districts. Monmouth Council is divided into three districts, each of which is overseen by a volunteer committee. The principal duty of each district is to work with sponsoring groups, the groups that actually conduct the Scouting program, in organizing and supporting Scouting groups.

10. Each Troop's sponsoring organization appoints one delegate to the local council, which elects an executive board. Each local council has at least three delegates to Boy Scout's National Council. Monmouth Council has three delegates to the National Council.

11. Each local council employs a small number of professional Scouters to assist its volunteers. For example, Monmouth Council employs four Scouting professionals to assist its approximately 2948 volunteer leaders.

12. Boy Scouts' policies are established by its Executive Board, a volunteer body elected by and from the National Council (which is itself a volunteer body made up of representatives from the local councils and at-large representatives). This Executive Board is charged by the Bylaws to be the final reviewing authority on all Scouting matters. Charter and Bylaws of Boy Scouts of America ("Bylaws"), annexed hereto as Exhibit A at art. III, sec. 1, cl. 1.

Sponsoring Organizations

13. Monmouth Council charters 77 Boy Scout Troops to various religious, civic, educational or other groups. The largest category of Boy Scout Troop sponsors in Monmouth

Council is religious groups. Thirty-five of the 77 Boy Scout Troops in Monmouth Council are chartered by the following religious organizations:

First Presbyterian Church, Atlantic Highlands
First Presbyterian Church, Red Bank
First United Methodist Church
First United Methodist Church, Oakhurst
Glendola Bible Church
Hamilton Methodist Church
Holy Family Roman Catholic Church
Knights of Columbus-Council #3402
Latter-Day Saints Church, Freehold Branch
Latter-Day Saints Church, Eatontown Ward
Lincroft United Presbyterian Church
Luther Memorial Church, Tinton Falls
Manasquan United Methodist Church
Matawan United Methodist Church
Memorial United Methodist Church
Mens Club United Methodist Church
NWS Earle Chapel
Old Brick Reformed Church
Old First Methodist Church
Old Tennent Presbyterian Church
Our Lady of Mount Carmel Roman Catholic Church
Presbyterian Church at Shrewsbury
Second Baptist Church
St. Agnes Catholic Church
St. Catharine's Roman Catholic Church
St. Elizabeth Roman Catholic Church
St. John's Episcopal Church
St. Paul's United Methodist Church
St. Rose of Lima Roman Catholic Church

St. Thomas More Roman Catholic Church
St. Veronica's Roman Catholic Church
United Methodist Church, Red Bank
United Methodist Churches Men's Club
United Methodist Men, St. Lukes UMC
Wayside United Methodist Church

Supporting Troops in Monmouth Council

14. Boy Scout Troops for the most part conduct the Scouting program on their own, and do not interact with the District, Council or National Council on a daily basis. Troops make their own arrangements for activities. Troops also make their own meeting arrangements with their chartering organization. The roles of the District, the Council and the National Council are to provide support in tasks the Troops cannot do easily themselves.

15. A District is a geographical area within the local council. Troops rely on the District to provide training and to coordinate District-wide activities. The District provides Troops with a Commissioner, a volunteer who gives direct coaching and consultation to the members of the Troop Committee and other adult leaders. District Committees are formed to help Troop leaders with training and to coordinate District-wide events. In addition to formal training sessions for various roles throughout the course of the year, the District holds monthly Roundtable meetings for Troop leaders to provide training, information and practical program ideas. On occasion, the District sponsors an event for all the Troops in a district, typically including an annual camporee and Klondike Derby.

16. The District also helps Troops recruit new members by, among other things, helping with the planning and

providing informational material for annual informational meetings open to interested boys and their parents considering being Scouts.

17. The Council supports Troops in Monmouth Council directly and through the Districts. Monmouth Council provides leader training through courses such as Wood Badge for adult volunteers and Brownsea training for youth leaders. The Council provides camping and program resources to advance the goals of Scouting, and maintains campsites at Forestburg Scout Reservation in Sullivan County, New York, and Quail Hill Scout Camp in Manalapan Township, New Jersey.

18. Forestburg and Quail Hill Scout Troops pay a registration fee for use of the camps, but the Council spends more to maintain the camps than it receives in registration fees. Both camps avail themselves of government surplus milk and cheese which is made available generally to non-profit camps.

19. The Council also helps Troops to recruit new members and to raise money to support Troop activities. Monmouth Council holds a bowl-a-thon, a golf tournament and the annual Joshua Huddy dinner to raise money for Council program support activities. It also coordinates an annual Troop popcorn sale to help Troops and the Council raise money.

20. The National Council of Boy Scouts supports Troops in Monmouth Council directly and through its support of the Council. The National Council maintains a system of governance for all Boy Scout Troops under the Bylaws and Rules and Regulations of Boy Scouts of America, annexed hereto as Exhibits A and B. The National Council produces such items as handbooks, uniforms, badges, pins and memorabilia for use by Scouts and adult leaders. The

National Council also provides youth and adult leader training materials and administrative support to the Council.

21. Scouts and adult leaders are responsible for purchasing their own uniforms, badges, handbooks, and camping gear. Troops typically provide the funds necessary to purchase Boy Scouts' program materials and badges.

22. The National Council provides informational materials, like posters and public service announcements ("PSA"). Local television stations may run Boy Scouts' PSAs during a time allocated for free use by non-profit organizations. In addition, the National Council supplies information sheets to the Council to be made available for Troops to inform prospective members about Scouting.

Dale's Membership

23. After Dale turned 18 years old, his youth membership in Boy Scouts automatically terminated.

24. Seven months after his 18th birthday, Dale applied for adult membership. In his application for membership as an adult volunteer, Dale stated that he would adhere to the principles and policies of the Boy Scouts, including the Declaration of Religious Principle, the Scout Oath and Scout Law. In thereafter publicly avowing that he was a homosexual, Dale demonstrated his failure to live by the Scout Oath and Law. Because Boy Scouts views homosexual conduct as inconsistent with the Scout Oath and Law, Dale's registration was revoked.

25. Dale's membership revocation was handled in strict confidentiality. No one outside the Boy Scout organization was notified by Boy Scouts of the decision. His ineligibility

would have remained a private issue had Dale not chosen to publicize his membership revocation.

26. Dale was not stripped of any awards he had earned as a youth. James Dale remains a former Boy Scout who attained the rank of Eagle Scout.

27. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated: November 9, 1993

/s/ James W. Kay
James W. Kay

Exhibits to Certification of James W. Kay

CHARTER OF BOY SCOUTS OF AMERICA

SIXTY-FOURTH CONGRESS OF THE UNITED STATES OF AMERICA AT THE FIRST SESSION BEGUN AND HELD AT THE CITY OF WASHINGTON ON MONDAY, THE SIXTH DAY OF DECEMBER ONE THOUSAND NINE HUNDRED AND FIFTEEN

AN ACT

To Incorporate the Boy Scouts of America and for Other Purposes

SECTION 1.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Colin H. Livingstone and Ernest P. Bicknell, of Washington, District of Columbia; Benjamin L. Dulaney, of Bristol, Tennessee; Milton A. McRae, of Detroit, Michigan; David Starr Jordan, of Berkeley, California; F. L. Seely, of Asheville, North Carolina; A. Stamford White, of Chicago, Illinois; Daniel Carter Beard, of Flushing, New York; George D. Pratt, of Brooklyn, New York; Charles D. Hart, of Philadelphia, Pennsylvania; Franklin C. Hoyt, Jeremiah W. Jenks, Charles P. Neill, Frank Presbrey, Edgar M. Robinson, Mortimer L. Schiff, and James E. West, of New York, New York; G. Barrett Rich, Junior, of Buffalo, New York; Robert Garrett, of Baltimore, Maryland; John Sherman Hoyt, of Norwalk, Connecticut; Charles C. Jackson, of Boston,

Massachusetts; John H. Nicholson, of Pittsburgh, Pennsylvania; William D. Murray, of Plainfield, New Jersey; and George D. Porter, of Philadelphia, Pennsylvania, their associates and successors, are hereby created a body corporate and politic of the District of Columbia, where its domicile shall be.

SECTION 2.

That the name of this corporation shall be "Boy Scouts of America," and by that name it shall have perpetual succession, with power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to hold such real and personal estate as shall be necessary for corporate purposes, and to receive real and personal property by gift, devise, or bequest; to adopt a seal, and the same to alter and destroy at pleasure; to have offices and conduct its business and affairs within and without the District of Columbia and in the several States and Territories of the United States; to make and adopt bylaws, rules, and regulations not inconsistent with the law of the United States of America, or any State thereof, and generally to do all such acts and things (including the establishment of regulations for the election of associates and successors) as may be necessary to carry into effect the provisions of this Act and promote the purposes of said corporation.

SECTION 3.

That the purposes of this corporation shall be to promote, through organization, and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in Scoutcraft, and to teach them patriotism,

courage, self-reliance, and kindred virtues, using the methods which are now in common use by Boy Scouts.

SECTION 4.

That said corporation may acquire, by way of gift, all the assets of the existing national organization of Boy Scouts, a corporation under the laws of the District of Columbia, and defray and provide for any debts or liabilities to the discharge of which said assets shall be applicable; but said corporation shall have no power to issue certificates of stock or to declare or pay dividends, its object and purposes being solely of a benevolent character and not for pecuniary profit to its members.

SECTION 5.

That the governing body of the said Boy Scouts of America shall consist of an executive board composed of citizens of the United States. The number, qualifications, and terms of office of members of the executive board shall be prescribed by the bylaws. The persons mentioned in the first section of this Act shall constitute the first executive board and shall serve until their successors are elected and have qualified. Vacancies in the executive board shall be filled by a majority vote of the remaining members thereof. The bylaws may prescribe the number of members of the executive board necessary to constitute a quorum of the board, which number may be less than the majority of the whole number of the board. The executive board shall have power to make and to amend the bylaws, and, by two-thirds vote of the whole board at a meeting called for this purpose, may authorize and cause to be executed mortgages and liens

upon the property of the corporation. The executive board may, by resolution passed by a majority of the whole board, designate three or more of their number to constitute an executive or governing committee, of which a majority shall constitute a quorum, which committee, to the extent provided in said resolution or in the bylaws of the corporation, shall have and exercise the powers of the executive board in the management of the business affairs of the corporation, and may have power to authorize the seal of the corporation to be affixed to all papers which may require it. The executive board, by the affirmative vote of a majority of the whole board, may appoint any other standing committees, and such standing committees shall have and may exercise such powers as shall be conferred or authorized by the bylaws. With the consent in writing and pursuant to an affirmative vote of a majority of the members of said corporation, the executive board shall have authority to dispose in any manner of the whole property of the corporation.

SECTION 6.

That an annual meeting of the incorporators, their associates and successors, shall be held once in every year after the year of incorporation, at such time and place as shall be prescribed in the bylaws, when the annual reports of the officers and executive board shall be presented and members of the executive board elected for the ensuing year. Special meetings of the corporation may be called upon such notice as may be prescribed in the bylaws. The number of members which shall constitute a quorum at any annual or special meeting shall be prescribed in the bylaws. The members and executive board shall have power to hold their meetings and

keep the seal, books, documents, and papers of the corporation within or without the District of Columbia.

SECTION 7.

That said corporation shall have the sole and exclusive right to have and to use, in carrying out its purposes, all emblems and badges, descriptive or designating marks, and words or phrases now or heretofore used by the Boy Scouts of America in carrying out its program, it being distinctly and definitely understood, however, that nothing in this Act shall interfere or conflict with established or vested rights.

SECTION 8.

That on or before the first day of April of each year the said Boy Scouts of America shall make and transmit to Congress a report of its proceedings for the year ending December thirty-first preceding.*

SECTION 9.

That Congress shall have the right to repeal, alert, or amend this Act at any time.

Approved 15 June 1916

WOODROW WILSON

* As amended August 30, 1964. Pub. L. 88-304. 78 Seat 636.

CONGRESSIONAL REPORT IN SUPPORT OF ACT TO INCORPORATE BOY SCOUTS OF AMERICA

House Report No. 130, Sixty-Fourth Congress
First Session

February 7, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. Gard, from the Committee on the Judiciary, submitting the following report (to accompany H.R. 755).

The Committee on the Judiciary, to whom was referred the bill (H.R. 755) to incorporate the Boy Scouts of America and to protect its insignia, having carefully considered the same, beg leave to submit the following report with the recommendation that the bill do pass.

The Boy Scout movement is not one seeking to promote a juvenile military system, but is intended to supplement and enlarge established modern educational facilities in activities in the great and healthful out of doors where may be the better developed physical strength and endurance, self-reliance, and the powers of initiative and resourcefulness, all for the purpose of establishing through the boys of today the very highest type of American citizenship.

It tends to conserve the moral, intellectual, and physical life of the coming generation, and in its immediate results does much to reduce the problem of juvenile delinquency in the cities. The movement has grown rapidly during the past few years, until it is now organized in practically every community of 4,000 inhabitants and over and in many smaller communities of the United States. During the past two years

Boy Scouts have demonstrated the value of the education and training they received as an auxiliary force in the maintenance of public order and in the administration of first-aid and practical assistance in times of great public emergencies. Their services on the occasion of the Ohio floods, at the Gettysburg reunion, in the inaugural ceremonies of President Wilson, and at the recent memorable reunion of the Grand Army of the Republic in Washington attracted Nationwide attention and received general commendation, particularly from the American National Red Cross and the officials of the Federal and State Governments. The importance and magnitude of its work is such as entitle it to recognition and its work and insignia to protection by Federal incorporation.

The Scout scheme is based upon the methods involved in educating the boy. It is a scheme of placing the boy on honor. In addition to requiring him to live up to a standard or code of laws which insure development of character along proper lines, it requires him to study in order to pass certain tests of qualification. The passing of these various tests is recognized by the award of appropriate badges or medals and insignia.

If any boy can secure these badges without meeting the required tests, the badges will soon be meaningless, and one of the leading features of the Scout program will be lost. Likewise, with the uniform which designates the Scout. At the present time this is protected by the use of insignia – a seal woven or stamped into the cloth. All of these various badges and insignia are at present protected by the patent laws, but under the patent laws such protection is available for a limited period only. The passing by Congress of this bill will, it is believed, provide the organization with proper protection for its distinctive insignia, the integrity of which is

essential to the maintenance of the movement, and protect it from those who are seeking to profit by the good repute and high standing and popularity of the Scout movement by imitating it in name alone.

The identical language of this bill was incorporated in the bill with amendments thereto, known as H.R. 19907, which was reported from the Committee on the Judiciary on February 3, 1915, with a recommendation that it, as so amended, do pass.

BYLAWS OF BOY SCOUTS OF AMERICA

ARTICLE I. GENERAL

NAME

SECTION 1.

The name of the corporation is Boy Scouts of America. For convenience in these Bylaws the corporation is sometimes referred to as the "Corporation."

PURPOSE

SECTION 2.

The purpose of the Corporation is as set forth in the original certificate of incorporation under the laws of the District of Columbia, dated February 8, 1910, and restated in the Act of Incorporation enacted by the Congress of the United States of America on June 15, 1916, as follows: "That the purpose of this Corporation shall be to promote, through organization and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in Scoutcraft, and to teach them patriotism, courage, self-reliance, and kindred virtues, using the methods which are now in common use by Boy Scouts." In achieving this purpose, emphasis shall be placed upon its educational program and the oaths, promises, and codes of the Scouting program for character development, citizenship training, mental and physical fitness.

SEAL

SECTION 3.

The seal of the Corporation shall be in the form of a circle enclosing the universal badge with the motto Be Prepared underneath the badge and the words Boy Scouts of America around the circle and shall be used only as authorized.

NATIONAL OFFICE

SECTION 4.

The principal office of the corporation shall be located in the City of Irving, County of Dallas, in the State of Texas, and shall be known as the national office of the Boy Scouts of America.

FISCAL YEAR

SECTION 5.

The fiscal year of the Corporation shall be the calendar year.

RULES AND REGULATIONS

SECTION 6.

Establishment

Clause 1. In accordance with the provisions of the Charter, the Executive Board may establish and amend Rules and Regulations for the further governance and guidance of

the Boy Scouts of America including its local councils and affiliates.

Amendment

Clause 2. The Rules and Regulations and amendments thereto shall normally be adopted by resolution of the Executive Board.

Amendment–Special Procedure

Clause 3. Under unusual circumstances the Executive Committee may, by resolution, amend the Rules and Regulations and any such amendment shall be effective provided that such amendment shall be reported to the members of the Executive Board prior to its next meeting and unless such amendment is altered or canceled by the Executive Board at such meeting, it will be as effective as if it had been originally adopted by the Executive Board.

PRIORITIES

SECTION 7.

General

Clause 1. These Bylaws shall be consistent with the Charter. The Rules and Regulations shall be consistent with the Charter and the Bylaws. In the event of any conflicts or inconsistencies, the Charter shall govern primarily and the Bylaws secondarily.

Specifics

Clause 2. All statements contained in official publications of the Boy Scouts of America, its local councils and affiliates including (but not limited to) handbooks, pamphlets,

instructions, magazine articles, bulletins, manuals, and letters which may, from time to time, be issued for clarification or explanation of official language shall be consistent with the language and intent of the Charter, the Bylaws, and the Rules and Regulations. Any contradictory or inconsistent language is unauthorized and without effect.

ARTICLE II. THE NATIONAL COUNCIL

GENERAL

SECTION 1.

In accordance with the provisions of sections 1 and 2 of the Act of Congress, approved June 15, 1916, entitled "An Act to Incorporate the Boy Scouts of America and for Other Purposes," giving the incorporators therein named the power to provide for the election of their associates and successors, the incorporators, and all persons who were duly elected and qualified as members of the National Council herein provided for their successors duly chosen, shall constitute the corporate membership of the Boy Scouts of America, to be known and designated collectively as the National Council of the Boy Scouts of America.

MEMBERS OF THE NATIONAL COUNCIL

SECTION 2.

General

Clause 1. The National Council of the Boy Scouts of America shall consist of elected and ex officio members as

provided in these Bylaws. All members, except honorary members and commissioned professional Scouters, may vote.

Eligibility Requirements

Clause 2. No person shall be eligible for membership on the National Council who is not a citizen of the United States or has not taken the preliminary legal steps to become a citizen of the United States.

Clause 3. A commissioned professional Scouter is ineligible for voting privileges on the National Council.

Election and Designation

Clause 4. Members of Executive Board. All persons elected members of the Executive Board shall upon their election become members of the National Council for the term of their election as members of the Executive Board.

Clause 5. Members of Regional Executive Committees. Persons serving as members of a regional executive committee shall be members of the National Council during their respective terms as members of such regional executive committee.

Clause 6. Local Council Representatives. The duly elected president and council commissioner of a local council shall, during their terms of office, be members of the National Council. Each local council may, in addition, elect one of its members as a member of the National Council for every 5,000 youth members, or major portion thereof, enrolled as of December 31 of the preceding year according to the records of the Corporation. Local councils shall certify as to the election of National Council members so elected and to their terms on forms provided for that purpose.

Clause 7. Members at Large. Members at large of the National Council may be elected by the National Council at its annual meeting to serve for 1 year. Persons who become members of national committees, or their subcommittees, and members of regional committees as defined under article V, section 2 hereof, shall be members at large of the National Council during their respective terms.

Clause 8. Honorary Members. Honorary membership in the Boy Scouts of America shall consist of such citizens of the Untied States as may be elected thereto by the National Council for terms of 1 year in the furtherance of the program of the Boy Scouts of America.

Credentials of Members

Clause 9. The national office shall issue certificates of membership and voting credentials to all voting members of the National Council indicating their right to participate and to vote at the annual meeting of the National Council. Votes shall be cast in person at the meeting and not by proxy.

MEETINGS OF THE NATIONAL COUNCIL

SECTION 3.

Regular Meetings.

Clause 1. General. The National Council shall meet annually at such time and place as may be determined by the Executive Board, for the purpose of delivering the annual reports of the officers and various committees of the National Council, electing members at large and honorary members of the National Council and regular members of its Executive Board, and transacting such other business as may come

before the meeting. The Executive Board shall determine what business is appropriate to come before the meeting.

Clause 2. Notice. A notice of the annual meeting shall be mailed to each member of the National Council at least 30 days in advance thereof, indicating the time and place of the meeting.

Special Meetings

Clause 3. Special meetings of the National Council may be called by the Executive Board at any time and shall be called within 90 days upon the request of at least 5 percent of the members of the National Council (such request specifying the object of such a special meeting) to be held at such place as the President shall determine, provided, however, that a notice of such meeting, indicating the place and object thereof, shall be mailed to each member of the National Council at least 30 days in advance of the meeting. The business of the meeting shall be limited to the matters included in the notice of the meeting.

Quorum

Clause 4. Five percent of the members of the National Council present in person shall constitute a quorum for all purposes.

Voting

Clause 5. At any meeting of the National Council, each member present shall be entitled to one vote.

Guests

Clause 6. Honorary members of the Boy Scouts of America and such other persons as may be specially invited

may attend meeting of the National Council but shall have no vote.

ARTICLE III. THE EXECUTIVE BOARD

POWERS, DUTIES, AND INTERPRETATION

SECTION 1.

Authority of Executive Board

Clause 1. The Executive Board shall, in accordance with the provisions of its Charter and these Bylaws, be the governing body of the Corporation, shall manage its affairs, elect its officers, and shall be the final reviewing authority with respect to all matters whatsoever which may arise at any level within the Scouting movement, which in its judgment should be reviewed.

Interpretation

Clause 2. For the purpose of these Bylaws, the phrase "the whole Executive Board" shall mean the number of members on the Executive Board at the time actually holding office and vacancies shall not be included. The Executive Board shall have full power to interpret these Bylaws.

MEMBERSHIP

SECTION 2.

The Executive Board of the Corporation shall consist of:

Regular Members

Clause 1. Not to exceed 64 regular members who shall be elected at the annual meeting of the Corporation for 1-year terms.

Regional Members

Clause 2. Regional ex officio members shall be those persons serving as presidents of their respective regions whose terms as regional members of the Executive Board shall be the same as their respective terms of office as regional presidents. Each regional president who is a regular member of the Executive Board at the time of becoming a regional president shall continue as a regular member of the Executive Board until the end of the term of such, whereupon the individual shall become a regional member provided that at such time the member is still regional president. Nothing herein contained shall prevent a regional member from being elected as a regular member of the Executive Board.

Youth Members

Clause 3. Those persons who shall be registered youth members may be appointed by the President with the approval of the Executive Board to serve for a specified term of up to 1 year. A youth member may be reappointed for a second 1-year term. The aggregate number of youth members shall at no time exceed five.

Special Members

Clause 4. The chairman of the Advisory Council and the chairman of the Board of Regents of the National Eagle Scout Association shall serve as ex officio members of the Executive Board during their 1-year terms.

ELECTION OF REGULAR MEMBERS; ELECTION, VACANCIES

SECTION 3.

Clause 1. At each annual meeting of the National Council, regular members of the Executive Board shall be elected to serve for a term of 1 year or until their successors have been elected and have qualified.

Clause 2. Where vacancies occur, because of resignation or otherwise of members before the expiration of their term of office, such vacancies may be filled for the unexpired period of the term by nomination by the Nominating Committee and confirmation by a majority vote of the remaining members of the Executive Board.

MEETINGS

SECTION 4.

Regular Meetings

Clause 1. The Executive Board will meet at least three times annually at such times and places as may be designated by the Executive Board, with no more than one meeting during any calendar quarter. One meeting a year shall coincide with the National Council annual meeting.

Clause 1.5. Each Executive Board member must attend a minimum of one board meeting each calendar year. In the event a board member fails to meet this minimum requirement, said board member's position shall be vacated. Such vacancy shall be filled in accordance with the Charter and Bylaws of the Corporation.

Imposition of this rule may be waived by the President, chairman, or acting chairman for good and reasonable cause.

Special Meetings

Clause 2. Special meetings of the Executive Board may be called at any time by the President or by 10 or more members. The call of the meeting shall state the purpose, and no other business not included in the notice of the call shall be transacted.

Notice

Clause 3. A notice of all Executive Board meetings shall be mailed to each member at least 2 weeks in advance of any such meeting.

Quorum

Clause 4. One-third of the members of the Executive Board, present in person, shall constitute a quorum.

ACTION WITHOUT A MEETING

SECTION 5.

Except to the extent otherwise restricted by any applicable law, any action required or permitted to be taken at any meeting of the Executive Board or any committee thereof may be taken without a meeting if prior to such action a written consent thereto is signed by all members of the Executive Board or committee and such written consent is filed with the minutes of the proceedings of the Executive Board or committee.

TELECOMMUNICATION MEETINGS

SECTION 6.

The Executive Board or any committee or subcommittee thereof may meet by telecommunication. Action taken at any such meeting shall be recorded and the record signed by all members participating and filed as the official minutes of such meeting. All notice and quorum requirements shall apply to such meetings provided that the signing of the record of the action taken shall constitute a waiver of notice by persons so signing.

COMMITTEES OF THE EXECUTIVE BOARD

SECTION 7.

General

Clause 1. The Committees of the Executive Board shall consist of an Executive Committee, and other designated standing committees to be known as group and support committees, which shall, though separately structured, coordinate as one entity. Such standing committees shall have and may exercise such powers as shall be conferred or authorized by these Bylaws. In addition, the President shall appoint special committees, and may, from time to time, create ad hoc committees and task forces for the purpose of handling special assignments, with the advice of the Chief Scout Executive and confirmation by the Executive Board.

Clause 2. Duties and Quorum. The duties, responsibilities, and membership qualifications shall be prescribed in these Bylaws, in the Rules and Regulations, and/or by resolution of

the Executive Board. Except as otherwise herein provided, one-third of the members of any committee or subcommittee, exclusive of ex officio members, present in person shall constitute a quorum. Once a quorum is present the departure of one or more members shall not invalidate the meeting.

Executive Committee

Clause 3. General. The Executive Committee of the Executive Board shall have and may exercise all the powers of the Executive Board in the management of the Corporation during the intervals between the meetings of the Executive Board, but in no event shall the Executive Committee act contrary to action theretofore taken by the Executive Board. Minutes shall be kept of all Executive Committee meetings, and the actions thereof shall be reported promptly to the members of the Executive Board.

Clause 4. Interpretation. Unless otherwise stated, whenever the "Executive Board" appears in these Bylaws any responsibility of authority of the Executive Board shall be deemed to extend to the Executive Committee to be exercised in accordance with the preceding paragraph.

Clause 5. Membership. The Executive Committee shall be composed of those persons who are from time to time the President, the executive vice-president, the vice-presidents, the regional presidents, the international commissioner, the national commissioner, the treasurer, the assistant treasurers, the chairmen of the support committees of the Executive Board, the chairman of the Advisory Council, the Chief Scout Executive, and the immediate past-President. The Executive Committee shall be confirmed annually by resolution passed by a majority vote of the whole Executive Board.

Clause 6. Meetings. Meetings of the Executive Committee may be called at any time by the President and shall be called by the President within 30 days upon the request of three or more members of the committee. It shall be the general practice of the Executive Committee to meet at least three times annually. All meetings of the Executive Committee shall be held on at least 5 days' written notice or 2 days' notice by cablegram, telegram, telephone, or radiogram. A majority of the members of the Executive Committee shall constitute a quorum.

Clause 7. Quorum and Voting. Voting by proxy is authorized provided at least one-third of the voting members of the Executive Committee is physically in attendance. Proxy voting is permissible only when a matter of importance is to be presented to the Executive Committee and the presence in person of a quorum is uncertain. Proxy voting is authorized unless the issue to be voted on is one where a proxy is specifically prohibited by formal action of either the Executive Board or Executive Committee. A proxy may be given only to a member of the Executive Committee.

Standing Committees — Group

Clause 8. The group committees are as follows: Administration Group Committee, Program Group Committee, Personnel Group Committee, Regional Presidents' Group Committee, and Relationships/Marketing Group Committee. These group committees shall be chaired by vice-presidents who shall have the responsibility of coordinating the efforts of their related support committees, and shall submit reports, action items, and resolutions to the Executive Board on behalf of those support committees.

Standing Committees — Support

Clause 9. The support committees are as follows: Supply Committee, Finance and Investment Committee, Personnel Committee, Properties Committee, Marketing Committee, Relationships Committee, Cub Scout Committee, Boy Scout Committee, Exploring Committee, Finance Support Committee, High Adventure Committee, Council Services Committee, Professional Development Committee, Compensation and Benefits Committee, and Personnel Administration Committee. The chairmen of these support committees shall be appointed from the membership of the Executive Board for a period of 1 year by the designated vice-president who is chairman of the related group committee, subject to the approval of the President and confirmation by the Executive Board.

Clause 10. Specific Responsibilities. The support committees will develop and recommend policies with respect to the areas of responsibility assigned to them. They will review the progress and needs of the Corporation in such areas and, on the basis of such review, recommend appropriate action to the Executive Board through the Administration Group Committee, Program Group Committee, Personnel Group Committee, Regional Presidents Group Committee, and Relationships/Marketing Group Committee.

Clause 11. International Committee. The International Committee is also a support committee, which will develop and recommend policies with respect to assigned areas of responsibility, will review the progress and needs of the Corporation in such areas, and will recommend appropriate

action to the Executive Board through the international commissioner. The chairman of the International Committee shall be appointed from the membership of the Executive Board for a period of 1 year by the international commissioner with the approval of the President and confirmation by the Executive Board.

Special Committee — Nominating

Clause 12. General Duties. There shall be a Nominating Committee of five, with no ex officio members. The Nominating Committee shall make nominations at the annual meetings of the National Council for members at large and honorary members of the National Council, and regular members of the Executive Board. The Nominating Committee shall make nominations for officers, honorary officers of the Corporation, and members of the Advisory Council at a regular meeting of the Executive Board.

Clause 13. Choice of Nominating Committee, Members of the Nominating Committee and its chairman shall be appointed by athe President from the members of the Executive Board subject to the approval of the Executive Board. Each such member shall be eligible for reappointment for not more than one additional term. In the event any member shall accept nominations for any national elective office, such individual shall cease to be a member of the Nominating Committee. The committee shall be appointed annually at least 6 months prior to the next regular meeting of the National Council.

Clause 14. Submission of Names. The names of possible candidates may be submitted by members of the National Council in writing to the Nominating Committee for its

consideration. The Nominating Committee will submit nominations:

(a) To any meeting of the National Council for members at large and honorary members of the National Council and for members of the Executive Board.

(b) To the Executive Board to fill vacancies in its membership as prescribed in article III, section 3, clause 2.

(c) To the Executive Board for election of members of the Advisory Council.

(d) To the Executive Board for honorary officers, and, prior to the annual meeting of the National Council, for officers of the Corporation.

Clause 15. The Nominating Committee shall be given full information concerning all such candidates, together with advice from the officers and the Chief Scout Executive.

Clause 16. Committee Procedures.

(a) On request of any member, voting shall be by written ballot.

(b) During the actual voting for the selection of officers and members of the Executive Board, the Nominating Committee may, on an affirmative vote of the majority of its members, meet in executive session.

(c) A majority of the members of the Nominating Committee shall constitute a quorum.

Special Committee — Audit

Clause 17. The Audit Committee is hereby authorized by the Executive Board, as specifically detailed in the

subsections below, to fulfill the Executive Board's fiduciary responsibilities relating to accounting and financial matters, financial reporting practices, and internal accounting and financial controls. The chairman of the Audit Committee shall be appointed for a period of 1 year by the President and shall be confirmed by the Executive Board. The Audit Committee shall:

(a) Recommend independent auditors to the Executive Board for its selection.

(b) Recommend to the Executive Board the approval and issuance of the Annual Report of the Treasurer together with the audited financial statements.

(c) Discuss with the independent auditors the scope of their audit and their fees.

(d) Discuss with the independent auditors, the internal auditor, and the appropriate administrative officers, the Corporation's accounting principles, policies, practices, and reporting policies and practices.

(e) Discuss with the independent auditors and the internal auditor the results of their audits.

(f) Discuss with the independent auditors, the internal auditor, and the administrative officers the adequacies of the Corporation's accounting, financial, and operating controls.

(g) Discuss with the administrative officers, the internal auditor, and the independent auditors any proposed accounting policies which are of sufficient significance to be passed upon by the Executive Board.

(h) Report to the Executive Board Audit Committee recommendations and observations with regard to significant financial and accounting matters brought to its attention.

Special Committee — Finance

Clause 18. The Finance Committee has the primary responsibility to develop and present the annual budget of the Corporation to the Executive Board. The committee shall be chaired by the executive vice-president and shall consist of the officers of the Corporation plus additional members as appointed by the President.

Special Committee — Contract Review

Clause 19. The Contract Review Committee has the responsibility to review contractual matters and to act on behalf of the Corporation when it is so authorized by the Executive Board or Executive Committee. The committee is appointed by the President annually and the appointments shall be confirmed by the Executive Board. The committee shall consist of the President who shall serve as chairman, the vice-president—Administration, the treasurer, the chairman of the Properties Committee, and the Chief Scout Executive.

Advisory Council

Clause 20. There shall be an Advisory Council to the Executive Board composed of members of the Nominating Council and United States citizens who, because of experience, have a particular expertise that would benefit the national movement and are elected to membership on the Advisory Council by a two-thirds vote of the members of the Executive Board present at any meeting.

Clause 21. There shall be a chairman of the Advisory Council who shall be an ex officio member of the Executive Board and be appointed by the President with the approval of a majority of the whole Executive Board, to serve for a term not exceeding 1 year or until a successor has been appointed and has qualified.

Clause 22. The Advisory Council shall meet at least annually.

Clause 23. The Advisory Council shall be responsible to the Executive Board, acting in an advisory capacity on matters of major national concern. The Advisory Council also may be requested by the Executive Board to carry out specific projects.

Clause 24. Members of the Advisory Council shall receive notice of all such meetings of the Executive Board and be entitled to attend but not to vote.

Subcommittees, Advisory Panels, Task Forces, and Consultants

Clause 25. From time to time as may be required, any standing committee may:

(a) Subject to the approval of the officers of the Executive Board, appoint one or more subcommittees or task forces to maintain a continuing review of, and to give the standing committee advice concerning a specific area within the standing committee's general area of responsibility. The chairman of each such subcommittee shall be a member of either a group or support committee and, whenever prudent, of the Executive Board. Other members need not be members of the standing committee or the Executive Board.

(b) Subject to the approval of the officers of the Executive Board, appoint advisory panels, whose members need not be members of the standing committee, to offer advice, opinions, and recommendations on specific matters referred to them for consideration.

(c) With the approval of the President and the Executive Board, employ or appoint consultants who need not be members of the standing committee or of the National Council to provide expert testimony or counsel on specific matters.

Clause 26. Each group committee chairman shall appoint for a period of 1 year the chairman of related subcommittees, advisory panels, and task forces, subject to the approval of the officers of the Executive Board.

ARTICLE IV. OFFICERS

GENERAL

SECTION 1.

The only active officers of the Corporation shall be the President, the executive vice-president, one or more vice-presidents, the treasurer, one or more assistant treasurers, the national commissioner, the international commissioner, and the Chief Scout Executive. These officers, with the exception of the national commissioner and the Chief Scout Executive, shall be elected annually from the membership of the National Council by the Executive Board to serve for 1 year or until their successors have been elected and have qualified. The national commissioner shall be appointed by the Chief Scout Executive and confirmed by the Executive Board. The Chief

Scout Executive shall not serve after attaining the age of 65 years. An individual normally will not (a) serve as President for more than two 1-year terms or (b) serve in any other particular office for more than four terms.

PRESIDENT

SECTION 2.

The President shall serve as chairman of meetings of the National Council, chairman of the Executive Board, chairman of the Executive Committee, chairman of the Contract Review Committee, and as a member ex officio of all committees, other than the Nominating Committee, and shall perform such duties as are or may be assigned by the Executive Board.

EXECUTIVE VICE-PRESIDENT

SECTION 3.

There shall be an executive vice-president who shall be elected annually. The President may designate the executive vice-president to serve as President during the President's absence or inability to serve. In the case of the President's inability or failure to make such a designation, the Executive Board shall do so. The executive vice-president shall serve as chairman of the Finance Committee and shall perform other functions as may be assigned by the President and the Executive Board.

VICE-PRESIDENT

SECTION 4.

There shall be one or more vice-presidents elected annually, one of whom may be designated as the international commissioner. Vice-presidents shall perform such functions as may be assigned to them by the Executive Board. The Executive Board may add to the title of any vice-president a designation indicating a special area of responsibility. The Executive Board may designate one of the vice-presidents to serve as President only during the absence or inability of both the President and executive vice-president.

TREASURER AND ASSISTANT TREASURERS

SECTION 5.

The treasurer shall be responsible, through methods of internal control, for the recording and deposit of all receipts of the Corporation, for the proper disbursements of its cash, and for control over all property of the corporation, whether real or personal, tangible or intangible, however acquired. The treasurer shall present annually a complete and detailed statement of all income and expenses during the prior year together with a statement of assets, liabilities, reserves, and funds of the Corporation as at the end of that calendar year, these statements first having been duly audited by independent public accountants approved by the Executive Board. One or more assistant treasurers may be elected by the Executive Board. The treasurer and assistant treasurers shall be bonded.

NATIONAL COMMISSIONER

SECTION 6.

The national commissioner shall (a) be an officer of the Corporation, (b) represent the Boy Scouts of America in national affairs, (c) be the chief morale officer of the Boy Scouts of America, and (d) represent the commissioner service team.

INTERNATIONAL COMMISSIONER

SECTION 7.

The international commissioner shall represent the Boy Scouts of America in international affairs and shall serve as a member, and may be chairman, of the International Committee.

CHIEF SCOUT EXECUTIVE

SECTION 8.

Clause 1. The Chief Scout Executive shall be appointed by and shall serve during the pleasure of the Executive Board and shall serve as the secretary of the National Council, the Executive Board, and its Executive Committee and shall be a member ex officio of all committees except the Nominating Committee without voting privileges, except where otherwise provided by action of the committee in question, except in the case of the Executive Committee of which the Chief Scout Executive shall be a voting member.

Clause 2. The Chief Scout Executive shall serve as the chief executive officer of the Corporation and shall have

general direction of the administrative work of the Corporation, subject to these Bylaws, the Rules and Regulations of the Boy Scouts of America, and to the authority and direction of the Executive Board.

Clause 3. The Chief Scout Executive may execute, on behalf of the Corporation, all documents, deeds, or notes duly authorized to be executed and shall be the custodian of the seal of the Corporation, and may affix the same duly attested to such documents, deeds, or notes as may require it. As to notes, such countersignature shall be required as the Executive Board shall direct.

Clause 4. The Chief Scout Executive may delegate to any staff officer or employee authority in writing to execute such leases, contracts, and other instruments as the Chief Scout Executive may deem desirable.

Clause 5. The Chief Scout Executive shall see that notices are sent to those elected as members of the National Council and officers of the Corporation and to those appointed as members of the committees and shall likewise cause notices to be sent out of all meetings for which provision is made herein.

Clause 6. The Chief Scout Executive shall submit a report at each meeting of the Executive Board relative to the work of the Corporation and to the status of the Scouting movement throughout the nation, inviting attention to matters of particular interest and informing the Executive Board concerning any problems of which the Executive Board should be advised, together with recommendations and suggestions for the good of the movement requiring action by the Executive Board.

Clause 7. The Chief Scout Executive shall prepare an annual report of the Boy Scouts of America for each calendar year and with the approval of the Executive Board shall transmit it to Congress, as required by the provisions of the federal Charter, and shall present it to the National Council at the time of its annual meeting.

HONORARY OFFICERS

SECTION 9.

Honorary President and Vice-Presidents

Clause 1. The President of the United States may, during term of office, be elected to be the Honorary President of the Boy Scouts of America. In addition, living former Presidents of the United States and other citizens who have rendered distinguished service to our country through work for young people may be elected to be honorary vice-presidents. Such election shall be by the Executive Board upon the recommendation of the Nominating Committee for such terms as the Executive Board shall specify.

Other Honorary Officers

Clause 2. The Executive Board may from time to time create such other honorary offices as it may deem to be in the best interest of the movement.

The offices shall be filled by election by the Executive Board upon recommendation of the Nominating Committee to serve for 1 year or until their successors have been elected and qualified and shall perform such duties as may be assigned to them by the President and Chief Scout Executive.

American citizens whose achievements are of such an exceptional character as to capture the imagination of youth and stimulate their enthusiasm for the program of the Boy Scouts of America may, upon the unanimous recommendation of the Executive Board, be elected by the National Council to become honorary officers. Honorary officers are under no obligation to render active service.

ARTICLE V. REGIONAL ORGANIZATION

REGIONS

SECTION 1.

General

Clause 1. Geographical areas within and without the United States shall be divided into administrative units to be known as regions. The number of such regions, their geographical boundaries, and their designation shall be determined by the Executive Board.

Responsibilities

Clause 2. The organization within each region is responsible for the achievement of approved goals and for the effective operation of each of its councils. The region is responsible for the proper alignment of councils, for assuring sufficient qualified volunteer and professional leadership in each council, and for an effective program for financing each council.

REGIONAL COMMITTEES

SECTION 2.

Organization

Clause 1. Subject to these Bylaws, the Rules and Regulations, and the general control of the Executive Board, each region shall implement national policy and program through a regional committee.

Membership

Clause 2. Regular Members. The membership shall consist of members of the National Council residing in the region and such additional members as may be elected by the regional committee.

Clause 3. Youth members may be appointed by the regional president with the approval of the regional board to serve as members of the regional committee. The number, qualification, and terms shall be fixed in the Rules and Regulations.

Meetings

Clause 4. Each regional committee shall meet once a year at such time and place as the regional executive committee or president may direct.

REGIONAL BOARD

SECTION 3.

General

Clause 1. The regional board consisting of the regional executive committee, the area vice-presidents, plus not more

than 50 members at large elected annually by the regional committee shall exercise the authority and responsibility of the regional committee in the interval between its meetings. Each member at large must hold some specific committee or other regional assignment.

Youth Members

Clause 2. Youth members may be appointed by the regional president with the approval of the regional board to serve as members of the regional board, subject to the following criteria:

(a) The term of appointment shall be for 1 year.

(b) A youth member may be reappointed for a second 1-year term.

(c) At no time will the aggregate number of youth members exceed five.

Meetings

Clause 3. Each regional board shall meet at least annually at such times and places as the regional president may direct for planning of regional events and activities and for meetings of the regional standing committees for training and planning council service.

REGIONAL EXECUTIVE COMMITTEE

SECTION 4.

General

Clause 1. The elected officers including the regional president and vice-presidents, area presidents, and chairmen of the regional standing committees as appointed by the

regional president, and the regional director, shall constitute the regional executive committee and shall have and may exercise the authority and responsibility of the regional board in the interval between its meetings, but in no event shall the regional executive committee act contrary to action theretofore taken by the regional board or regional committee.

Meetings

Clause 2. Each regional executive committee shall meet at least annually at such times and places as the regional president may direct.

REGIONAL DIRECTOR

SECTION 5.

The regional director of field operations shall serve as secretary of the regional committee, the regional board, the executive committee, and the standing committees.

REGIONAL OFFICERS

SECTION 6.

Regional President

Clause 1. One member of each regional committee shall be elected regional president, who shall be a citizen of the United States of America, be elected annually by the regional board, and shall become a member ex officio of the Regional Presidents Group Committee and the Executive Board in accordance with the provisions of these Bylaws. In the event of a vacancy in the regional presidency, the regional executive committee will elect a successor to serve until the next regional election.

The regional president may appoint a member of the regional executive committee as a substitute.

Regional Vice-Presidents

Clause 2. One or more regional vice-presidents may be elected to carry out responsibilities as may be assigned by the regional board.

Area President

Clause 3. One member from each area of the region shall be elected annually as area president by the regional board. Area presidents will report directly to the regional president. In the event of a vacancy in an area presidency, the regional president will appoint a successor subject to the approval of the regional executive committee.

Elections

Clause 4. Elections shall be by majority vote of those persons voting. On request of 10 members, voting shall be by secret ballot.

REGIONAL STANDING COMMITTEES

SECTION 7.

Nominating Committee

Clause 1. Appointment. The regional president shall appoint a nominating committee which shall submit its recommendations at each meeting of the regional committee and the regional board at which an election is to be held.

Clause 2. Timing. The nominating committee will be appointed and the chairman designated by the regional

president at the time of the annual elections or within 30 days following such elections to serve until the next elections.

Clause 3. Nominees. Persons to be elected annually shall include the regional president, the regional vice-presidents, area presidents, and members of the regional board.

Clause 4. Suggestions. At least 120 days prior to the regional elections, members of the regional committee will be invited to submit in writing names of persons to be considered for regional committee membership.

Clause 5. Report. The report of the nominating committee will be submitted to all eligible voters in writing at the time of elections.

Other Standing Committees

Clause 6. Other standing committees shall include the following: relationships committee, finance committee, council services committee, program committee, and personnel committee. A member of the following regional program committees is to serve on the national committee of the same name: Cub Scout committee, Boy Scout committee, Varsity Scout committee, Exploring committee, international committee, and health and safety committee.

AREA COMMITTEES

SECTION 8.

The area executive committee, and specialists, council presidents, and National Council members from the local councils in the area, shall constitute the area committee.

AREA EXECUTIVE COMMITTEE

SECTION 9.

The area president, area vice-president(s), and committee chairmen and/or specialists constitute the membership of the area executive committee.

REGIONAL ADVISORY COUNCIL

SECTION 10.

Clause 1. There shall be an advisory council to the regional board composed of members who because of experience have a particular expertise that would benefit the movement through the region and are elected to membership on the advisory council by a two-thirds vote of the members of the regional board present at any meeting.

Clause 2. Members of the advisory council shall be relieved of the obligation of regular attendance at meetings of the regional board, but shall receive notice of all such meetings and be entitled to attend, but not to vote.

RELATIONSHIPS

SECTION 11.

Additional information concerning the interrelationship existing between the regions, area, and councils plus further details on these organizations will be incorporated into the Rules and Regulations.

ARTICLE VI. LOCAL COUNCILS GENERAL

SECTION 1.

In order to accomplish its purposes and to carry out its programs, the Corporation will charter local councils each with jurisdiction over a prescribed geographical area.

All local council charters shall be issued for a period not exceeding 1 year ending June 30 and may be renewed annually upon application, accompanied by reports based upon operations for the preceding calendar year, together with such other evidence as may be required, showing a satisfactory effort to meet the responsibilities of a local council as herein provided.

Such charters shall be contingent on such local councils' fulfilling the basic purpose of the Scouting movement within their specified territory, in accordance with these Bylaws and the Rules and Regulations of the Corporation.

APPLICATIONS

SECTION 2.

Applications for new charters shall be accompanied by a copy of the proposed Local Council Articles of Incorporation and Bylaws of the council and evidence showing that it will be for the best interests of the youth of the community and the Scouting movement to have a chartered council and that those who are making the application are in a position to perform the functions of the local council in a manner which would justify the issuance of a charter.

CONDITIONS AND TERMINATION

SECTION 3.

The Corporation may charter a local council subject to such conditions as it may deem appropriate and may terminate or refuse to grant or renew a local council charter in any instance where it deems such action advisable in the interests of Scouting.

REVOCATION OF CHARTER

SECTION 4.

The Executive Board may revoke or decline to renew such charters for failure to comply with the Bylaws, Rules and Regulations, or policies of the Corporation.

RESPONSIBILITY OF THE LOCAL COUNCIL

SECTION 5.

Clause 1. It shall be the responsibility of each local council to make sure that the general principles of advancement are understood and carried out by the units on the council area.

Clause 2. It shall make Scouting training available to all members of chartered organizations and community groups using the Scouting program while maintaining standards in policies, protecting official badges and insignia, and providing adequate leadership and finances.

Clause 3. The local council shall supervise advancement procedures to make sure that they are carried out in such a

way as to ensure strict adherence to the requirements and standards as set forth in the Rules and Regulations and the official publications of the Boy Scouts of America. The local council shall organize the necessary unit, district, and council procedures to make sure that youth members have an opportunity to advance and receive recognition promptly. It shall provide training for leaders in the principles and conduct of advancement.

Clause 4. No local council Cub Scouter, Varsity Scouter, Exploring leader, or Scouter shall have authority to increase or diminish requirements and standards established by the Corporation.

Clause 5. The powers and responsibilities of local councils shall be controlled by these Bylaws and by the Rules and Regulations.

INCORPORATION OF LOCAL COUNCILS

SECTION 6.

General

Clause 1. Local councils duly chartered by the Boy Scouts of America shall, wherever possible, become incorporated under the laws of their respective states pertaining to nonprofit corporations and pursuant to and consistent with these Bylaws and the Rules and Regulations of the Boy Scouts of America.

Approval of Documents

Clause 2. Proposed corporate articles and Bylaws of local councils, and any amendments of such articles or Bylaws,

shall be submitted to the Corporation's national office for review and approval in advance of adoption. When corporate articles are found to be in proper form, a certificate of approval, with consent to incorporate, for Scouting purposes under the name agreed upon, shall be furnished in behalf of the Boy Scouts of America. This certificate shall be attached to the corporate articles when filed by the local council with the state authorities.

ORGANIZATION AND OPERATION

SECTION 7.

Clause 1. The membership of each local council shall consist of a chartered organization representative from each chartered organization and additional members at large from within the territorial boundaries of the local council totaling a minimum of 100 adults. When a council is incorporated, its incorporators shall be its initial members. Thereafter its members shall be elected annually by its board of trustees, which usually will be designated as the executive board.

Clause 2. The members shall elect annually not fewer than 25 or more than 50 of its members to serve as its executive board. The executive board shall be the governing body of the council and shall be responsible for its operations and its assets.

Clause 3. The executive board annually shall elect its officers which will consist of a president, one or more vice-presidents, and a treasurer. It also may elect a commissioner and such officers as it may from time to time determine.

ARTICLE VII. YOUTH MEMBERSHIP

GENERAL

SECTION 1.

Youth membership in Boy Scouts of America is open to all who meet the membership requirements. Cub Scouting, Boy Scouting, and Varsity Scouting are for boys. Exploring is for young men and young women.

MEMBERSHIP, ADVANCEMENT, AND ACHIEVEMENT

SECTION 2.

Both membership in Scouting and advancement and achievement of leadership in Scouting units are open to all boys without regard to race or ethnic background, and advancement and achievement of leadership in Scouting is based entirely upon individual merit.

ARTICLE VIII. ADULT LEADERSHIP

GENERAL

SECTION 1.

Leadership Qualifications

No person shall be approved as a leader unless, in the judgment of the Corporation, that person possesses the moral, educational and emotional qualities deemed necessary for leadership and satisfies such other leadership qualifications as it may from time to time require.

CITIZENSHIP REQUIREMENT
(See Rules and Regulations)

COMMISSIONED LEADERSHIP
(See Rules and Regulations)

PROFESSIONAL LEADERSHIP

SECTION 2.

General

Clause 1. The commissioned status of professional Scouters is separate and distinct from their employment. The commissioning of a Scouter does not in itself entitle a professional to be appointed to or to retain a position. The appointment of an individual to a position in Scouting does not in itself entitle him to receive a commission.

Professional Scouters

General

Clause 2. A corps of qualified and trained professional Scouters is essential to the success of the whole Scouting movement. To secure and retain such people for service in the national and local councils, their professional status must be clearly defined.

Clause 3. To this end, and subject to these Bylaws and the Rules and Regulations, the Executive Board:

(a) Shall establish requirements to be met by any person seeking to become and remains a professional Scouter.

(b) Shall establish rules and procedures covering the commissioning and decommissioning of professionals.

(c) Except for newly employed professional trainees, no person may be employed in a professional capacity by any local council or by the Corporation who does not hold a currently valid commission.

Employment

Clause 4. Rules and Guidelines. The Executive Board, subject to the provisions of these Bylaws, shall establish rules and regulations covering the employment, training, promotion, tenure, demotion, and retirement or discharge of all professional and other employees of the Corporation and of all professional employees of the local councils.

Clause 5. Authority of the Chief Scout Executive. The Chief Scout Executive is, subject to these Bylaws, the Rules and Regulations, and the decisions of the Executive Board, authorized to appoint and remove all employees of the Corporation and to direct their work.

EMPLOYMENT OF PROFESSIONALS
(See Rules and Regulations)

ADMINISTRATIVE ORGANIZATION
(See Rules and Regulations)

NONPROFESSIONAL STAFF
(See Rules and Regulations)

ARTICLE IX. POLICIES AND DEFINITIONS

POLICIES

SECTION 1.

Declaration of Religious Principle

Clause 1. The Boy Scouts of America maintains that no member can grow into the best kind of citizen without recognizing an obligation to God. In the first part of the Scout Oath or Promise the member declares, "On my honor I will do my best to do my duty to God and my country and to obey the Scout Law." The recognition of God as the ruling and leading power in the universe and the grateful acknowledgment of His favors and blessings are necessary to the best type of citizenship and are wholesome precepts in the education of the growing members. No matter what the religious faith of the members may be, this fundamental need of good citizenship should be kept before them. The Boy Scouts of America, therefore, recognizes the religious element in the training of the member, but it is absolutely nonsectarian in its attitude toward that religious training. Its policy is that the home and the organization or group with which the member is connected shall give definite attention to religious life.

Activities

Clause 2. The activities of the members of the Boy Scouts of America shall be carried on under conditions which show respect to the convictions of others in matters of custom and religion, as required by the twelfth point of the Scout Law, reading, "Reverent. A Scout is reverent toward God. He is faithful in his religious duties. He respects the beliefs of others."

Freedom

Clause 3. In no case where a unit is connected with a church or other distinctively religious organization shall members of other denominations or faith be required, because of their membership in the unit, to take part in or observe a religious ceremony distinctly unique to that organization or church.

Leaders

Clause 4. Only persons willing to subscribe to these declarations of principles shall be entitled to certificates of leadership in carrying out the Scouting program.

Clause 5. Other major policies are set forth in article IX of the Rules and Regulations.

DEFINITIONS

SECTION 2.

In addition to those contained in these Bylaws, there are others, some pertaining to the Bylaw material, set forth in article IX of the Rules and Regulations.

ARTICLE X. PROGRAM

PROGRAM OBJECTIVES

SECTION 1.

The program shall be one designed to achieve objectives in character development, citizenship training, and mental and physical fitness.

In its several phases the program shall be adapted to the groups into which youth members are divided and shall be as set forth from time to time in these Bylaws and in the Rules and Regulations of the Corporation.

In all activities, emphasis shall be placed upon practice in daily life of the principles of the Tiger Club Promise, the Cub Scout Promise, the Scout Oath or Promise, and the Explorer Code. In association with suitable adult leadership, members registered in Scouting will be guided to develop traits of character which are expressed in self-reliance, consideration of and help to others, personal courage, and above all in lives of useful citizenship.

ACTIVITIES
(See Rules and Regulations)

ADVANCEMENT
(See Rules and Regulations)

BOYS' LIFE MAGAZINE
(See Rules and Regulations)

INSIGNIA, UNIFORMS, AND BADGES
(See Rules and Regulations)

SPECIAL AWARDS
(See Rules and Regulations)

AWARDS FOR DISTINGUISHED SERVICE TO YOUTH
(See Rules and Regulations)

ARTICLE XI. BUSINESS

FINANCE

SECTION 1.

Expenses

Clause 1. The necessary expenses of the Corporation shall be met from the receipts from annual registration fees and contributions; from the proceeds from sales of publications and supplies; and from such other sources as may be determined by the Corporation.

Contributions

Clause 2. Contributions shall be solicited in the name of the Boys Scouts of America only through or by the authority of the Corporation, and shall be limited to the National Council or chartered local councils, in accordance with these Bylaws and Rules and Regulations of the Corporation. Youth members shall not be permitted to serve as solicitors of money for chartered organization units, for the local council, or in support of other organizations. Adult members and youth members shall not be permitted to serve as solicitors of money in support of personal or unit participation in local, national, or international events. Youth members, however, are permitted to secure sponsors for council or district activities approved by the executive board. These approved activities may result in financial support for the local council in accordance with the Bylaws and Rules and Regulations of the Corporation.

Deposit of Funds

Clause 3. All funds shall be deposited in such depositories as shall be approved by the Executive Board.

Custody of Securities

Clause 4. The securities of the Corporation shall be deposited in any such deposit vault or vaults or with such bank or banks, trust company or trust companies, or such other depositories, and access thereto shall be provided as may from time to time be determined by the Executive Board. Access to the securities may be had as provided in the Rules and Regulations or by resolution of the Executive Board and not otherwise. They may be examined or withdrawn by such officer or officers or other employees of the Corporation as may from time to time be designated by the Executive Board. The Executive Board by resolution may authorize any two members of the Executive Board of the Corporation to have access to the securities for the purpose of audit or such other purpose at it may specify in the resolution.

Checks, Notes, Etc.

Clause 5. Except as otherwise provided by law or in those Bylaws, all checks, drafts, notes, bills or exchange, or other orders, instruments, or obligations for the payment of money shall be signed by such officer or officers, employee or employees, or agent or agents of the Corporation as shall be specified by the Executive Board.

DEEDS, CONTRACTS, BONDS, ETC.

SECTION 2.

Authority to Execute Documents

Except as otherwise provided by law or in these Bylaws, such officer or officers, employee or employees, or agent or agents of the Corporation as shall be specified by the Executive Board shall sign, in the name and on behalf of the Corporation, all deeds, bonds, contracts, mortgages, and other instruments or documents, the execution of which shall be authorized by the Executive Board, and such authority may be general or confined to specific instances.

REAL ESTATE
(See Rules and Regulations)

REGISTRATION
(See Rules and Regulations)

ARTICLE XII. AFFILIATES
(See Rules and Regulations)

ARTICLE XIII. SPECIAL SITUATIONS

EXPERIMENTAL PROGRAMS

SECTION 1.

From time to time the Executive Board may wish to authorize experimental programs to determine how best to achieve the purpose of the Boy Scouts of America under changing conditions. If such experimental programs are in

any manner inconsistent with these Bylaws, the programs shall be adopted only in accordance with the procedures established in the Rules and Regulations.

OVERSEAS SCOUTING

SECTION 2.

General

Clause 1. To further its objectives of extending membership privileges to citizens of the United States in other parts of the world, the Corporation authorizes the registration of youth members and leaders and the establishment of units in areas lying outside of the jurisdiction of any local council.

Policy of Cooperation

Clause 2. To foster and strengthen the close and friendly relationship that exists between the Boy Scouts of America and other Scout Associations, members and leaders of units will work in close harmony with their fellow Scouts and Scouters in the area.

Services

Clause 3. Administration, organization, program, and training services shall be furnished by the International Division of the Corporation and the cooperation of region, area, or council where such can be utilized.

Deviations

Clause 4. To the extent feasible, the provisions of the Bylaws, Rules and Regulations, and policies of the Corporation relating to its domestic units shall apply to Direct Service units. It is recognized that as the application of

certain of these may be impractical, their waiver or modifications will be permitted. Also due to varying conditions, it is recognized that such waiver and modification could result in nonuniform application as between units.

Any deviations will be authorized by the Executive Board, whose authority may be delegated to a committee or subcommittee. Major deviations of a general nature normally will be incorporated into the Rules and Regulations.

LEARNING FOR LIFE

SECTION 3.

Clause 1. To further the mission of the Boy Scouts of America to meet and serve the needs of youth and communities, the Corporation authorizes the establishment of a subsidiary corporation, to be known as Learning for Life, to work in cooperation with our nation's schools.

Clause 2. Learning for Life's is a nontraditional, educational outreach program that takes place during school hours and/or as part of school curriculum and is not part of the traditional Scouting program.

Clause 3. The administration, organization, program, and registration of Learning for Life shall be governed as set forth in the Rules and Regulations.

ARTICLE XIV. INDEMNIFICATION

INDEMNIFICATION

SECTION 1.

Persons made a party to any action, suit, or proceeding, civil or criminal, because they, their testator, or intestate are or were members of the Executive Board or committee of the Executive Board of the Corporation, officers or employees of the Corporation or directors, officers, or employees of any corporation which they served as such at the request of the Corporation, shall be indemnified by the Corporation against the expenses (including amounts paid by way of judgment or settlement) actually and necessarily incurred by them in connection with defense of such action, suit, or proceeding, whether or not such defense shall be successful in whole or in part or in connection with any appeal therein or any settlement thereof, except in relation to matters as to which it shall be adjudged in such action, suit, or proceeding that such persons are liable for negligence or misconduct in the performance of their duties. Such indemnification, if afforded, shall not be deemed exclusive of any other rights to which such persons may be entitled apart from this section. This section shall not be deemed to limit any power or exclude any right of the Corporation to provide any additional or other indemnity or right for any Executive Board member, officer, employee, or other person. If this section should be invalid or ineffective in any respect, the validity and effect of the section in any other respect shall not be affected.

ARTICLE XV. WAIVERS AND AMENDMENTS

WAIVERS

SECTION 1.

Whenever any notice is required by these Bylaws or by any law to be given to any member of the National Council, member of the Executive Board, or any committee or any officer, such notice except as otherwise provided by these Bylaws or by any law may be given personally or by telegram, cable, or radiogram addressed to the person at such person's place of business, if any, or (to the extent applicable) at such address as has been given to the Corporation as the home address of the person; or the notice may be given in writing by mail, in a sealed wrapper, postage prepaid, addressed to such person at such address. Any notice given by telegram, cable, or radiogram shall be deemed to be given when it shall have been delivered for transmission and any notice given by mail shall be deemed to have been given when it shall have been deposited in a post office, in a regularly maintained letter box, or with a postal carrier. A waiver of any such notice in writing, signed by the person entitled to such notice as required, shall be deemed the equivalent thereof, and the presence at any meeting of any person entitled to notice thereof shall be deemed a waiver of such notice as to such person.

AMENDMENT OF BYLAWS

SECTION 2.

Procedures

Clause 1. These Bylaws may be amended at any meeting of the Executive Board by the affirmative vote of a majority of the whole Executive Board; upon the recommendation of the Executive Committee of the Executive Board; or when the proposed amendment has been sent to the members of the Executive Board at least 15 days in advance of the meeting.

Promulgation

Clause 2. All changes in the Bylaws, when made, shall be announced to the national and local councils in such manner as the Executive Board shall direct.

RULES AND REGULATIONS OF THE BOY SCOUTS OF AMERICA

ARTICLE VI. LOCAL COUNCILS

COUNCIL ORGANIZATION

Section 1.

Members

Clause 1. Active. The active membership of all local councils shall consist of persons 21 years of age or over, duly registered as provided in these Bylaws. The membership shall include representatives from organizations or groups of citizens operating units as provided in the Bylaws, classified as chartered organization representatives, together with representatives at large of the various business, civic, educational, labor, social, and religious interests of the communities, classified as council members at large.

Clause 2. Associate. Persons desiring to maintain an actual Scouter membership without assignment to active service may be elected as associate members of local councils, without vote, provided that they qualify by the same procedure and under the same conditions as active Scouters. They may wear the uniform and shall be enrolled as subscribers to *Scouting* magazine.

DISTRICT ORGANIZATION

Section 2.

Districts

Clause 1. For the purpose of unit service and program administration, a local council may be divided geographically or functionally into such districts as the local council executive board may determine. The Executive Board of the Corporation may from time to time adopt rules and regulations concerning district organization.

District Committee

Clause 2. The supervision of Scouting in each district shall be exercised by the local council through a district committee.

Function of District Committee

Clause 3. The district committee, including the committees of the district, has no legislative authority. Its purpose is to make effective in the territory policies and programs as adopted by the local council, its executive board, and council committees.

LOCAL UNITS

Section 3.

Organization of Units

Clause 1. General. The Corporation shall have the power to grant charters to organizations and groups of citizens of the

United States meeting the requirements of the Bylaws and these Rules and Regulations to organize and maintain units of the Scouting program, and to issue certificates of membership in such units to the officers and members thereof who comply with the requirements of the Bylaws and these Rules and Regulations. The Corporation shall have the power to revoke such charters when in its sole judgment such revocation is warranted.

Charters to Organizations

Clause 2. For the formation of units, charters may be granted to organizations upon application from the duly constituted authorities of such organizations on forms provided for that purpose. Such applications shall obligate the organizations to provide adequate facilities, supervision, and leadership for at least 1 year and to make an effort to provide youth members with the opportunity for a quality program experience as set forth in the official literature of the Boy Scouts of America.

Charters for Community Units

Clause 3. While the formation of units in connection with existing organizations shall be preferred, when conditions warrant a charter may be granted for the formation of a unit independent of any relationship with an existing organization, provided, however, that the applicants are citizens of the United States, who subscribe to the principles of the Scout Oath and Law, and whose interest is primarily in helping boys and young adults through the Scouting program, and who shall have the resources to provide the necessary leadership, supervision, and facilities. In such cases the obligations upon

the applicants for a charter shall be the same as those required for organizations.

Standards of Organizations

Clause 4. Intended meeting quarters shall be periodically inspected to determine their adequacy as well as to ascertain other uses to be made of these or adjoining quarters, for the purpose of considering the compatibility of uses and the general appropriateness of the environment. An investigation shall also be made as to the general objectives, purpose, character, intent, and programs of the prospective chartered organization or community group and its compatibility with the aims and purposes of the Boy Scouts of America. The history, length of service, and general reputation of the organization or community group are also factors that should be considered.

Renewals

Clause 5. Unit charters may be renewed upon application, provided a review of past activities, personnel, and plans for the future shows a satisfactory effort to carry out the Scouting program, as set forth in the official handbooks, and to comply with the Rules and Regulations of the Boy Scouts of America.

Local Council Approval

Clause 6. In territory supervised by a local council, all applications for unit charters, new and renewal, may be granted only upon the favorable recommendation of the local council.

Chartered Organization Representative

Clause 7. In territory supervised by local councils, each chartered organization shall appoint a citizen of the United States, other than the unit leader or assistant unit leader, as its chartered organization representative to represent it as a member of the district committee and as a voting member of the local council.

Unit Committees

Clause 8. Each chartered unit of the Boy Scouts of America shall be under the supervision of a unit committee, consisting of three or more qualified adults, 21 years of age or over, selected by the organization with which the unit is connected, or in the case of a community unit of those who make application for the unit charter, one of whom shall be designated as chairman.

The unit committee shall have such responsibilities as may from time to time be defined by the Corporation.

Leadership

Clause 9. Each Cub Scout den and Webelos den and each chartered Cub Scout pack, Boy Scout troop, Varsity Scout team, and Explorer post shall have one citizen of the United States, 21 years of age or older, who shall be registered and serve as the unit or den leader. A unit leader may not serve simultaneously in any other position within the same unit. The head of the chartered organization or chartered organization representative and the local council must approve the registration of the unit or den leader on the appropriate form.

Packs

Clause 10.

(a) Packs, consisting of no fewer than five Cub Scouts, may be organized in the territory and under the supervision of local councils.

(b) The provisions of these Rules and Regulations relating to the organization of units shall apply to the organization of packs.

(c) The active adult leadership of the pack shall be designated collectively as Cub Scouters, and individually as pack committee members, Cubmaster, assistant Cubmasters, den leaders, assistant den leaders, Webelos den leaders, assistant Webelos den leaders, Tiger Cub organizations, and den leader coach.

They shall be appointed and commissioned as outlined in the Bylaws and these Rules and Regulations. These Cub Scouters shall be required to meet the same membership requirements and leadership responsibilities and shall have the same privileges and opportunities as provided for all unit Scouters.

(d) The Cub Scout membership of a pack shall be organized on the den system.

Troops

Clause 11.

(a) Troops, consisting of no fewer than five Boy Scouts, may be organized in the territory and under the supervision of local councils.

(b) The provisions of these Rules and Regulations, relating to the organization or units, shall apply to the organization of troops.

(c) The active adult leadership of a troop shall be designated collectively as Scouters and individually as troop committee members, Scoutmaster, and assistant Scoutmasters. They shall be appointed and commissioned as outlined in the Bylaws and these Rules and Regulations. These Scouters shall be required to meet the same membership requirements and leadership responsibilities and shall have the same privileges and opportunities as provided for all unit Scouters.

(d) The membership of a troop shall be organized on the patrol system.

Teams

Clause 12.

(a) Teams, consisting of no fewer than five Varsity Scouts, may be organized in the territory and under the supervision of local councils.

(b) The provisions of these Rules and Regulations, relating to the organization of units, shall apply to the organization of teams.

(c) The active adult leadership of a team shall be designated collectively as Varsity Scouters and individually as team committee members, Coach, and assistant Coach. They shall be appointed and commissioned as outlined in the Bylaws and these Rules and Regulations. These Varsity Scouters shall be required to meet the same membership

requirements and leadership responsibilities and shall have the same privileges and opportunities as provided for all unit Scouters.

(d) The Varsity Scout membership of a team shall be organized on the squad method.

Posts

Clause 13.

(a) Posts (ships), which shall consist of no fewer than five Explorers, may be organized in the territory and under the supervision of local councils.

(b) The provisions of these Rules and Regulations, relating to the organization of units, shall apply to the organization of Explorer posts/ships.

(c) The active adult leadership of an Explorer post/ship shall be designated collectively as Exploring leaders and individually according to the designated titles of their respective type of Explorer unit. They shall be appointed and commissioned as outlined in the Bylaws and these Rules and Regulations, and shall meet the same membership requirements and leadership responsibilities and shall have the same privileges and opportunities as provided for all unit Scouters.

Unit Designation

Clause 14.

(a) All units shall be designated by the name of the community in which the unit is located.

(b) Each unit shall be designated also by a serial number assigned by the local council or, if not under local council, by the Corporation.

(c) There shall be only one series of numbers for units by which the unit shall be identified at the national office. A program code should be included with each national unit number. This shall prevent the use of a local community number where units having previously been assigned local numbers desire to continue the use of such numbers locally, and, when requested, such numbers shall be used upon the unit charter and certificates.

POWERS AND RESPONSIBILITIES

Section 4.

Clause 1. It shall be the duty of the chartered councils to promote the Scouting program through the organization and registration annually of units and their personnel: also to approve and provide leadership and supervision of all program activities, within the territory covered by their charters, in such a manner as to ensure compliance with the provisions of the Bylaws of the Boy Scouts of America and the Rules and Regulations thereof, as set forth in the official handbooks, or as may be announced.

Clause 2. Local councils shall be specifically charged with the responsibility to guard against the use of the official insignia and uniform by persons not officially registered with the Corporation and to bring to the attention of the Corporation any violation of regulations not within their power to prevent or any attempt to commercialize the Scouting movement.

Clause 3. Local councils shall through their Scout executives or other representatives, make the benefits of the Scouting program known to all agencies or organizations having contact with boy and young-adult life and cooperate in the organization of units so that boys and young adults may have the benefit of the Scouting program.

Clause 4. Local councils shall provide means for assisting chartered organizations in securing and training individuals to serve as unit leaders and assistants. The chartered organization shall provide leadership and facilities in order that youth members under their jurisdiction may have the opportunity to participate in a quality program experience as set forth in the official literature of the Boy Scouts of America.

Clause 5. Local councils shall endeavor to provide facilities and leadership in order that Explorers under their jurisdiction may have the opportunity to participate in an Explorer superactivity away from home each year.

Clause 6. Local councils shall provide procedures for advancement in order that youth members may meet the various requirements of rank in adherence to the advancement requirements set forth in the official literature of Boy Scouts of America.

AUTHORITY FOR SCOUT EXECUTIVES MANUAL

Section 5.

The authorization for policies and procedures discussed in the *Scout Executive's Manual* comes from the Rules and

Regulations, which in turn comes from the Charter and Bylaws of the Boy Scouts of America.

ARTICLE VII. YOUTH MEMBERS

GENERAL CLASSIFICATIONS

Section 1.

Active

Clause 1. An active youth member is one who, with the approval of a parent or guardian if necessary, becomes a member of a unit; obligates himself or herself to attend the meetings regularly; fulfills a member's obligation to the unit; subscribes to the Scout Oath or the code of his or her respective program; and participates in an appropriate program based on a member's age, as promulgated from time to time by the Boy Scouts of America.

Associate

Clause 2. Any youth member who, in the judgment of the unit leader and the unit committee, is unable to meet the requirements of active membership may be carried on the unit records as an associate, provided the individual attends at least one meeting of the unit within the year and in all other respects is guided by the obligations of an active member.

Visiting Youth Members

Clause 3. Enrollment. Young people of other nationalities who are temporarily resident in the United States may

be enrolled as "visiting" youth members, at the national office of the Corporation upon local council recommendation.

Clause 4. Affiliation. Such enrollment shall entitle the youth members to affiliate with a local unit where the individual temporarily resides and to share all activities, privileges, advancement recognition, and service credits to which registered members of the Boy Scouts of America are entitled. This shall include the right to wear, while thus affiliated, the prescribed insignia and uniform of the Boy Scouts of America for which the member may qualify.

Clause 5. Certificates of Service. Upon leaving the United States, certificates shall be given such affiliated "visiting" youth members arresting their service record and advancement while in the United States.

PROGRAM GROUPS

Section 2.

Tiger Cubs, Cub Scouts, Boy Scouts

Clause 1. Youth members shall meet specific requirements as established by the Boy Scouts of America and published from time to time in the official publications of the organization. Specific membership requirements are:

(a) Tiger Cub - Must be in first grade or be age 7, but not yet age 8.

(b) Cub Scout - Must have completed first grade or be age 8 through age $11_{1/2}$, or have completed fifth grade, whichever is later.

(c) Boy Scout - Must have competed fifth grade or be age 11; or have entered the Arrow of Light Award, but not have reached age 18.

(d) Varsity Scout - Must be at least age 14 and not yet age 18.

Explorers

Clause 2. Members in Exploring shall be male or female and meet specific requirements as established by the Boy Scouts of America and published from time to time in the official publications of the organization.

(a) Explorer - Be 14 years of age and complete the eighth grade, or be 15 years of age or older, and not yet 21 years of age.

(b) Career Awareness Exploring - A program for Explorer-age youth conducted on school time which provides program opportunities as described in the official literature of the Boy Scouts of America.

(c) Sea Exploring - A special-interest program carried on as a part of Exploring.

Lone Cub Scout and Lone Boy Scout

Clause 3. A lone Cub Scout or lone Boy Scout is a boy who meets the same requirements of grade or age as established in clause 1, becomes registered, and meets the program objectives with the help of a lone Scout friend and counselor. The program shall be carried out under supervision of the local council in which he lives.

Section 3.

Youth Leadership Positions

Each Scouting unit may have certain key youth leadership positions which shall involve youth members in leadership and program management. Positions are:

(a) Junior Assistant Scoutmaster - A 16- to 17-year-old youth appointed by the Scoutmaster, approved by the troop committee, and responsible to the Scoutmaster for tasks assigned.

(b) Senior Patrol Leader - Shall be elected by the majority of youth members registered in the troop. He shall meet the qualifications set by the patrol leaders' council. He may appoint other youth leaders with the concurrence of the Scoutmaster and shall preside over the patrol leaders' council.

(c) Varsity Team Captain - Shall be nominated by the team committee with the concurrence of the Coach. The Varsity Scouts comprising the team vote to elect, or accept, the captain. He runs the team and appoints cocaptains, program managers, and squad leaders with the concurrence of the Coach and youth members.

(d) Explorer Elected Officers - Elected Explorer officers work together to help the post succeed. Elected officer positions are: president, first vice-president, second vice-president, secretary, and treasurer.

ARTICLE VIII. ADULT LEADERSHIP

GENERAL

Section 1.

Designation

Clause 1. Scouters. The collective designation for all registered adult members of the Boy Scouts of America.

Clause 2. Unit Scouters. All adult members registered with the unit, except the chartered organization representative who shall be considered a council Scouter.

Clause 3. District Scouters. All adult members serving on the district committee.

Clause 4. Council Scouters. All adult members registered with the council.

Approval

Clause 5. All recommendations for commissions or certificates of membership for unit, district, and council Scouters under council Scouters under council supervision are subject to the approval of the local council before transmission to the national office of the Corporation. Said recommendations for unit Scouters must be approved by the head of the chartered organization or by the chartered organization representative.

Clause 6. All recommendations from local units of the Direct Service Council for commissions or certificates of membership are subject to the approval of the Corporation.

CITIZENSHIP REQUIREMENT

SECTION 2.

Service Within the United States

Clause 1. Individuals serving in any official relationship with the Boy Scouts of America shall subscribe to the statement of religious principle, as prescribed in the Bylaws, and the Scout Oath and Law. They shall either be citizens of the United States or shall legally declare intention to become a citizen of the United States (unless the position qualification stipulates citizenship as a specific requirement of registration, e.g., chartered organization representative.)

Clause 2. No adult alien, visiting or resident, shall be registered or enrolled in any capacity in Scouting, with the exception that adults from other countries legally resident in the United States may be enrolled as unit Scouters at the discretion of the Corporation and pursuant to specific recommendations from the national Scout associations (where such associations exist) of the countries involved.

Each adult so registered or enrolled shall take a modified form of the Oath, Promise, Pledge, or Code, pledging to respect and obey the laws of the country in which the individual is living. This individual will not be required to pledge allegiance to the flag and Government of the United States.

Service Outside the United States

Clause 3. At the discretion of the Executive Board of the Boy Scouts of America, and under such rules and regulations as it may prescribe, commissions or certificates of

membership as Scouters may be issued to citizens serving in a country or territory under the control of the United States.

COMMISSIONED LEADERSHIP

SECTION 3.

Issuance of Commissions

Clause 1. All individuals in unit leadership positions (including Lone Cub Scout and Boy Scout friend and counselors) shall be issued commissions by the Boy Scouts of America.

Clause 2. All individuals selected to serve as commissioners (including Explorer service team members) shall be recommended by the Scout executive and approved by the council executive board. They shall be issued commissions by the Boy Scouts of America on an annual basis.

Age Requirements

Clause 3. Commissioned officials must be at least 21 years of age, with the exception of those individuals at least 18 years of age who may be commissioned as assistant unit leaders. (Assistant Varsity team Coaches and associates Explorer Advisors must be 21 years of age.)

Commissioner

Clause 4. Council Commissioner. The council commissioner shall direct the extent and quality of commissioner service through monthly meetings with district commissioners and commissioner conferences. The council

commissioner has the responsibility at the council level to report to the council president and regularly interpret the commissioner function to the council executive board. The council commissioner is responsible for the local council's commitment to on-time reregistration of units. The council commissioner shall serve as an officer of the council and as a National Council representative.

Clause 5. Assistant Council Commissioners. Each local council may have one or more assistant council commissioners. These individuals, are appointed by the council commissioner and assist, on direction, in the performance of the duties of that office.

Clause 6. District Commissioner. A district commissioner is offered for approval and appointment by the district nominating committee. The district commissioner shall, through a volunteer staff, be responsible for on-time charter renewals, unit service and monthly roundtables in the district and give leadership to recruiting, training, and supervision of an effective staff. The district commissioner serves on the council commissioner's staff, reports to the district chairman, and has an advisory relationship with the district operating committees.

Clause 7. Assistant District Commissioners. Each district may have one or more assistant district commissioners. These individuals are appointed by the district commissioner and shall, under direction, recruit, train, and supervise unit commissioners or assist in staff operation through functional assignments.

Clause 8. Unit commissioners shall be appointed by the district commissioner to be responsible for the continuity and

program capability of assigned units. Unit commissioners provide their assigned units with meaningful service that brings about on-time charter renewal, membership growth, and the delivery of Scouting ideals to boys. They give guidance in unit operation to unit leaders and interpret council and district activities in terms of unit opportunities.

Clause 9. Roundtable Commissioners.

(a) A Cub Scout roundtable commissioner is appointed by the district commissioner to be responsible for monthly Cub Scout leader roundtables that provide unit program ideas and inspiration to reinforce leaders' commitment to help boys grow. The Cub Scout roundtable commissioner shall recruit, train, and supervise a permanent Cub Scout roundtable staff.

(b) A Boy Scout roundtable commissioner is appointed by the district commissioner to be responsible for monthly Boy Scout leader roundtables that provide unit program ideas and inspiration to reinforce leader's commitment to help boys grow. The Boy Scout roundtable commissioner shall recruit, train, and supervise a permanent Boy Scout roundtable staff.

(c) A Varsity Scout huddle commissioner is to be appointed by the district commissioner to be responsible for Varsity Scout leader huddles that provide team program ideas and inspiration to reinforce leader's commitment to help boys grow. The Varsity Scout huddle commissioner shall recruit train, and supervise a permanent Varsity Scout huddle staff.

Clause 10. Roundtable/Huddle Staff.

(a) Cub Scout roundtable staff members shall be appointed by the Cub Scout roundtable commissioner and,

under direction, plan and conduct monthly Cub Scout leader roundtables.

(b) Boy Scout roundtable staff members shall be appointed by the Boy Scout roundtable commissioner and, under direction, plan and conduct monthly Boy Scout leader roundtables.

(c) Varsity Scout huddle staff members shall be appointed by the Varsity Scout huddle commissioner and, under direction, plan and conduct Varsity Scout leader huddles.

Unit Leadership

Clause 11. Unit Leadership. All recommendations for commissions to serve as unit leader, assistant unit leader, den leader, assistant den leader, Webelos den leader, or assistant Webelos den leader shall originate with the unit committee, the chartered organization, or the community unit committee. The head of the chartered organization or the chartered organization representative must approve the registration of the leader on the appropriate form. The local council must also approve the registration.

Adult leadership positions shall be filled by persons 21 years of age or older, except the following, which may be filled by persons 18 years of age or older: assistant Cubmaster, assistant Scoutmaster, assistant den leader, and assistant Webelos den leader.

PROFESSIONAL LEADERSHIP

SECTION 4.

General

Clause 1. Persons who have met the qualifications and requirements established for professional service in the Boy Scouts of America shall be commissioned as professional Scouters.

Requirements

Clause 2. The Personnel Committee shall be responsible for the development of such criteria, policies, and procedures as will assure the recruitment of professional candidates with necessary physical, educational, personal, and moral qualifications. These criteria, policies, and procedures will be reviewed annually. They shall include at least the following:

(a) The recruit must have attained age 21 unless prohibited by any applicable law.

(b) The recruit must have earned a bachelor's degree from an accredited college or university. Consideration will be given a person with an associate arts degree with satisfactory evidence of a successful career experience of at least 10 consecutive years in general business, industry, government, or the military, along with at least 5 years of leadership experience as an adult Scouting volunteer. An approved paraprofessional employee with 2 consecutive years of successful employment and an associate arts degree may also be considered.

(c) The recruit must accept the declaration of religious principle and the Scout Oath and Law.

(d) The recruit must be a citizen of the United States of America before being commissioned as a professional Scouter.

Commissioning

Clause 3. The following procedure provides the basis for the commissioning of persons as professional Scouters:

PHASE I

A person employed as a professional trainee shall demonstrate to the satisfaction of the local council Scout executive (or, in the case of a trainee employed by the Corporation, the Chief Scout Executive) an acceptable willingness to work and a degree of cooperation, is motivated toward a career service in the movement, and has demonstrated an apparent ability to succeed as a professional Scouter. These requirements must be satisfactorily made prior to the time the trainee is sent to the National Executive Institute. In the event the trainee does not meet all of these requirements, employment shall be terminated by the local council Scout executive (or, as applicable, the Chief Scout Executive) prior to the time the trainee attends the National Executive Institute.

PHASE II

The trainee who successfully completes Phase I of the commissioning process shall be sent to the National Executive Institute for NEI-I training not longer than three months following employment as a professional trainee.

The trainee must satisfactorily accomplish those designated assignments in NEI-I; satisfactorily demonstrate the development of necessary techniques; and demonstrate moral and personal fitness as set forth in the Scout Oath and Law and in the Scout Executive's Code. The faculty of the National Executive Institute and the director of Professional Development shall decide whether the trainee has satisfactorily completed NEI-I. Those trainees who successfully complete NEI-I shall receive a certificate to that effect and will be commissioned by the Chief Scout Executive, or designee, as a professional Scouter and shall receive documentary evidence of such commission and shall thereupon be entered into the official roll of professional Scouters of the Boy Scouts of America. Prior to commissioning the trainee's employment status is considered that of a probationary employee.

Decommissioning

Clause 4. Upon proper showing, the Executive Board of the Boy Scouts of American may decommission a professional Scouter. "Proper showing" means the establishment by competent evidence that the professional Scouter has committed a grievous breach of the trust placed in that individual by the commission of one or more of the following:

(a) Intolerable personal conduct;

(b) Incompetence; or,

(c) Substantial violations of the principles of management established by the BSA.

Procedure

Step 1. Conciliation: Over a period of not less than 90 days after the Chief Scout Executive concludes that cause exists to believe that the professional Scouter should be decommissioned, the Chief Scout Executive shall:

(a) In the case of a local council Scout executive: attempt to persuade the local council's executive board of the necessity of terminating the services of the local council Scout executive.

(b) In the case of all other professional Scouters employed by local councils the Chief Scout Executive shall attempt to persuade the local council Scout executive of the necessity of terminating the employment of the professional Scouter. This authority may be delegated to the applicable regional director, or the national director of Personnel.

(c) In the case of a professional Scouter employeed by the Corporation the Chief Scout Executive may terminate the employment of the professional Scouter.

In any of the foregoing cases and whether or not the involved professional Scouter's employment was terminated, the Chief Scout Executive, for the reasons stated above, may implement step 2 below for the purpose of removing a professional Scouter from the movement through the process of decommissioning.

Step 2. Formal charges shall be served on the involved professional Scouter and shall include:

(a) The factual allegations alleged to constitute a "proper showing" for being decommissioned:

(b) Notice of a hearing to be held not fewer than 20 or no more than 30 days following such service, at which time the Chief Scout Executive shall attempt to establish such "proper showing."

In the case of a member of the Chief Scout Executive's executive committee, a group director, or a regional director of the Corporation, a hearing shall be held before a standing panel of five members of the Executive Board of the Boy Scouts of America selected by the President of the Boy Scouts of America, who shall determine the issue.

In the case of all other professional Scouters employed by the Corporation, a hearing shall be held before a standing panel of five members selected from the Chief Scout Executive's executive committee, the group directors or the regional directors, but excluding the Chief Scout Executive's legal counsel, who shall determine the issue.

In the case of a professional Scouter employed by a local council, including a local council Scout executive, a hearing shall be held before a standing panel of five of the six Scout executives, one from each region, selected by the national office in consultation with the regional directors, who shall determine the issue.

The panel may choose counsel to serve as it deems proper. The professional Scouter and the Chief Scout Executive may be represented by counsel. The burden of establishing a "proper showing" rests upon the Chief Scout Executive. A verbatim stenographic record of the hearing shall be made and provided to all parties. Within 15 days of the hearing, briefs may be filed with the panel. The panel shall reconvene within 20 days after the hearing to decide the issue. Its

decision by majority vote of all its members shall be in writing and shall state the findings and conclusion of the panel.

Step 3. In the event the panel finds there is no "proper showing," the procedure is ended. In the event the panel finds there is a "proper showing," the involved professional Scouter may within 10 days of the step 2 decision file a notice of appeal in writing with the Executive Board of the Boy Scouts of America. Upon receipt of the notice of appeal a panel consisting of not fewer than three nor more than five members of the Executive Board of the Boy Scouts of America shall be appointed by the national President to determine the appeal in all cases except those involving members of the cabinet of the Boy Scouts of America. In cases involving members of the cabinet, a quorum of the Executive Board of the Boy Scouts of America shall constitute the panel in this step 3.

Its determination shall be made upon the record and written briefs submitted within 15 days after notice of appeal is filed. It shall upon due consideration by majority vote of all its members affirm or reverse the decision of the step 2 panel. Its decision shall be in writing. It may reverse the panel only upon concluding that the decision of the step 2 panel was not supported by substantial evidence in the record. During the pendency of the appeal the professional Scouter may remain in office if employment has not already been terminated as provided for in step 1 above. The appeal panel shall meet at a place determined by the national President and shall decide the matter within 10 days after written briefs are filed.

In the event the step 2 panel finds "proper showing" exists, and no appeal is filed, the Executive Board of the Boy Scouts of America at its next meeting (which may be a specially called meeting) shall, upon such showing, decommission the professional Scouter who shall thereupon be decommissioned, removed from office, and removed from the professional service.

EMPLOYMENT OF PROFESSIONALS

SECTION 5.

Rules and Guidelines

Clause 1. The Chief Scout Executive, subject to the direction of the Executive Board, the Bylaws, and these Rules and Regulations, shall establish procedures covering employment, training, promotion, tenure, demotion, and retirement or discharge of all professional and professional-technical employees of the Corporation and of local councils; as well as determine the positions that may be held only by commissioned professional Scouters.

Special Situations

Clause 2. It is recognized that for the efficient operation of the Corporation certain professional and professional-technical staff positions may be held by people selected because of their specialized qualifications. The Chief Scout Executive may, in exceptional instances, waive the education or equivalency requirement of section 4, clause 2, above and grant to such persons professional or professional-technical status during their term of employment which shall be limited to such professional or professional-technical staff positions.

National Professional Staff

Clause 3. The Chief Scout Executive, subject to the approval of the Executive Board, shall determine the necessary national organization structure and professional staff requirements.

Local Council Professional Personnel

Clause 4. A local council may employ as its Scout executive — that is, its executive officer having general direction of its administration and supervision over Scouting activities within its jurisdiction — a person selected by it from the list of candidates of commissioned professional Scouters submitted by the national office who shall serve so long as commissioned as provided herein and during the pleasure of the local council's executive board subject to the policies and procedures of the National Council.

In no event shall a local council select as its Scout executive a professional employee currently serving in any other capacity in that council, nor shall any such person be included in any list provided for in the preceding paragraph.

Other Local Council Staff

Clause 5. A local council may employ in other professional positions persons selected from lists of candidates consisting of commissioned professional Scouters submitted by the national office. Such persons shall serve in the local council so long as commissioned as provided herein and during the pleasure of the local council's Scout executive. The duties of such professional personnel shall be defined by the local council Scout executive with the approval of the

local council executive board. The classification and title of such position shall be determined by the Chief Scout Executive.

Clause 6. A local council may employ individuals in professional-technical positions approved by the national office. Employment in that position shall continue as long as responsibilities for which the position was approved remain unchanged.

Clause 7. A local council may also employ individuals in the following categories:

(a) Professional Trainees. Newly employed persons uncommissioned as professional Scouters employed as described in article VIII, section 4, clause 3, in these Rules and Regulations and with the approval of the national office. The employment period shall not extend more than 3 months prior to attending the National Executive Institute.

(b) Paraprofessionals. For purposes of these Rules and Regulations, paraprofessionals shall not be considered professional positions, and the requirements for professional service shall not apply to persons in such positions.

BSA EMPLOYEES

SECTION 6

Retirement

Contributions and benefits under the Basic Retirement Plan of the Boy Scouts of America are based upon normal retirement of employees at age 65. Subject to satisfactory performance, continued employment by an employee is subject to applicable state and federal law.

ARTICLE IX. PRINCIPLES, POLICIES, AND DEFINITIONS

(See article IX of Bylaws for Declaration of Religious Principle.)

PRINCIPLES - OATH, SLOGAN, PROMISES, PLEDGE, MOTTO, AND CODE

SECTION 1.

Motto

Clause 1. The motto of the Boy Scouts of America is: "Be Prepared."

Slogan

Clause 2. The slogan of the Boy Scouts of America is "Do a Good Turn Daily."

The Scout Oath or Promise and the Scout Law

Clause 3. All Boy Scouts must know and subscribe to the Scout Oath or Promise and Law, as follows:

The Scout Oath or Promise

On my honor I will do my best
To do my duty to God and my country and to
obey the Scout Law;
To help other people at all times;
To keep myself physically strong, mentally
awake, and morally straight.

The Scout Law

A Scout is:

Trustworthy. A Scout tells the truth. He keeps his promises. Honesty is part of his code of conduct. People can depend on him.

Loyal. A Scout is true to his family, Scout leaders, friends, school, and nation.

Helpful. A Scout is concerned about other people. He does things willingly for others without pay or reward.

Friendly. A Scout is a friend to all. He is a brother to other Scouts. He seeks to understand others. He respects those with ideas and customs other than his own.

Courteous. A Scout is polite to everyone regardless of age or position. He knows good manners make it easier to people to get along together.

Kind. A Scout understands there is strength in being gentle. He treats others as he wants to be treated. He does not hurt or kill harmless things without reason.

Obedient. A Scout follows the rules of his family, school, and troop. He obeys the laws of his community and country. If he thinks these rules and laws are unfair, he tries to have them changed in an orderly manner rather than disobey them.

Cheerful. A Scout looks for the bright side of things. He cheerfully does tasks that come his way. He tries to make others happy.

Thrifty. A Scout works to pay his way and to help others. He saves for unforeseen needs. He protects and conserves natural resources. He carefully uses time and property.

Brave. A Scout can face danger even if he is afraid. He has the courage to stand for what he thinks is right even if others laugh at or threaten him.

Clean. A Scout keeps his body and mind fit and clean. He goes around with those who believe in living by these same ideals. He helps keep his home and community clean.

Reverent. A Scout is reverent toward God. He is faithful in his religious duties. He respects the beliefs of others.

The Tiger Cub Promise, Cub Scout Promise, and Law of the Pack

Clause 4. All Tiger Cubs must know the Tiger Cub Promise. All Cub Scouts must know and subscribe to the Cub Scout Promise and the Law of the Pack

Tiger Cub Promise

I, promise to love God, my family, and my country and to learn about the world.

Cub Scout Promise

I, _____, promise
To do my best to do my duty to God and my country,
To help other people, and
To obey the Law of the pack.

The Law of the Pack

The Cub Scout follows Akela.
The Cub Scout helps the pack go.
The pack helps the Cub Scout grow.
The Cub Scout gives goodwill.

The Explorer Code

Clause 5. All Explorers must subscribe to the Explorer Code, as follows:

As an Explorer

I believe that America's strength lies in our trust in God and in the courage, strength, and traditions of our people.

I will, therefore, be faithful in my religious duties and will maintain a personal sense of honor in my own life.

I will treasure my American heritage and will do all I can to preserve and enrich it.

I will recognize the dignity and worth of all humanity and will use fair play and goodwill in my daily life.

I will acquire the Exploring attitude that seeks the truth in all things and adventure on the frontiers of our changing world.

POLICIES

SECTION 2.

Cooperation With National Movements

Clause 1. With the consent of the local council, members of the Boy Scouts of America may cooperate with established nonpartisan and nonsectarian national movements for the relief of humanity in undertakings to raise money by giving personal service, provided, however, that this shall not

involve the use of BSA youth members as collectors or solicitors of money.

Participation in Public Functions

Clause 2. The officers and leaders of the Boy Scouts of America shall, when practicable, cooperate in connection with civic or other public gatherings of a nonpartisan and nonpolitical character in a way which gives youth members an opportunity to render service in harmony with their training instead of merely taking part in parades or making a show of themselves in their uniforms.

Unit Money-Earning Projects

Clause 3. Units may conduct money-earning projects only when the projects have been approved by the chartered organization and the local council and are consistent with the principles set forth in these Rules and Regulations.

Scouting Public Display Activities

Clause 4. Local councils may approve the sale of tickets for the public display of Scouting activities, such as merit badge shows, circuses, rallies, and demonstrations, when (a) the nature of the program or function offers a value commensurate with the purchasing price of tickets offered for sale, (b) the sale of tickets is not used as an indirect method of defeating the purpose of article IX, section 2, clause 7 of these Rules and Regulations, and (c) the participation of youth members in the sale of tickets for such affairs is confined to their parents and friends and does not involve methods similar to those used in the sale of tags or other general solicitation.

Advertising Policy

Clause 5. Advertisements.

(a) Advertisements for placement in Scouting publications and other media, in addition to meeting the standards in general use by publishers of high-grade periodicals and other advertising media, must:

(1) Relate to a service or product which could reasonably be foreseen to render some service to the audience of the advertisement, or relate in some way to the purposes of the Boy Scouts of America, and

(2) Merit the purchase price of the article or service offered in the advertisement.

(b) No advertisement will use or display any logo, insignia, terms in common usage, or descriptive marks relating to Scouting without conforming to all currently accepted procedures and guidelines as established by the National Council, Boy Scouts of America, and interpreted in the local council policy guidelines for advertising and commercialism.

Policy Concerning Political Questions

Clause 6. The Boy Scouts of America shall not, through its governing body or through any of its officers, its chartered councils, or members, involve the Scouting movement in any question of a political character. However, this shall not be interpreted to prevent the teaching of ideals of patriotism and good citizenship as required to fulfill the Corporation's purpose. This policy shall also not limit the freedom of thought or action of any official or member as an individual,

nor shall it prevent the organization from expressing its opinion upon matters of governmental concern when considered in its best interest by the governing body of the Boy Scouts of America.

Commercialism Policy

Clause 7. Commercial Contracts.

(a) No member of the Boy Scouts of America, chartered unit, chartered local council, or any officer or representative of the Boy Scouts of America shall have the right to enter into a contract or relationship of a commercial character directly involving or obligating the National Council, Boy Scouts of America, unless duly authorized by the national Executive Board.

(b) A local council may not enter into a contract or business relationship that uses any logo, insignia, terms in common usage, or descriptive marks relating to Scouting, unless the relationship or contract conforms to currently accepted procedures and guidelines as established by the National Council, Boy Scouts of America. The contract or relationship must avoid endorsement of any commercial product or venture.

(c) Subject to the above, chartered organizations, unit leaders, or youth members shall not be restricted from earning money to obtain their own unit equipment, provided that all approved procedures for doing so are followed, including prior approval by the governing local council.

Policy Concerning Military Training

Clause 8. In carrying out the purpose of the Scouting movement as stated herein technical military training and drill shall not be included.

Conflict-of-interest Policy

Clause 9. A fundamental principle ethics is that any person who exercises discretionary authority on behalf of the Corporation may not use this authority for his or her own benefit.

It is therefore the basic policy of the Boy Scouts of America (BSA) that all Executive Board members or members of any committee thereof or officers or employees of BSA have a duty to be free from the influence of any conflicting interest when they act on behalf of BSA or represent it in negotiations or advise others in BSA with respect to dealing with third parties. They are expected to deal with suppliers, customers, contractors, and others having dealings with BSA on the sole basis of that which is in the best interest of BSA, without favor or preference to third parties based on personal considerations. To this end, the following shall be the policy of the Boy Scouts of America:

(a) No member of the Executive Board or member of any committee thereof or officer or employee of BSA shall accept from any person, directly or indirectly, whether by himself or herself or through his or her spouse or a member of his or her family or through any partner or business or professional associate, any gift, favor, service, employment or offer of employment or any other thing of value which he or she knows or has reason to believe is made or offered to him or her with the intent to influence him or her in the

performance of his or her duties as a member of the Executive Board or member of any committee thereof or officer or employee of BSA.

(b) No member of the Executive Board or member of any committee thereof or officer or employee of BSA who is a partner, officer, or employee of a partnership, firm, or corporation or who owns or controls more than 10 percent of the stock of such corporation, shall represent, appear for, or negotiate on behalf of BSA in connection with the acquisition or sale by BSA of any interest in real or tangible or intangible personal property from or to such partnership, firm, or corporation.

(c) No member of the Executive Board or member of any committee thereof shall participate by discussion, voting, or by any other action taken by the Executive Board, or any committee thereof, in the enactment of or defeat of a motion in which that member has an interest as defined in paragraph (b) above. In case any such matter is discussed at any meeting where any Executive Board or committee member who has such an interest is present, the member shall promptly disclose that interest in the matter to be voted on to the chairman of the meeting. The member shall not vote on the matter and at the discretion of the disinterested members present may be required to leave the meeting during the discussion and the voting on the matter.

DEFINITIONS

SECTION 3.

Adult

Clause 1. Unless otherwise stated, the word "Adult" refers to a person 18 years of age or older.

National Office

Clause 2. The term national office may be used to refer to the Chief Scout Executive or other members of the national staff at the Corporation's headquarters at Irving, Texas. Where a responsibility is assigned to the national office it will be handled by the Chief Scout Executive or a member of the staff.

ARTICLE X. PROGRAM

ADVANCEMENT

SECTION 1.

General Principles

Clause 1. Education is the chief function of the Scouting movement and it shall be the basis of the advancement program. A fundamental principle of advancement shall be that the boy's progress is a natural outcome of his activities in his unit. The rank requirements in these phases of the Scouting program, as set forth in the official publications, shall furnish the basis of the activities of the unit.

(a) In Cub Scouting, recognition is earned in the home and the neighborhood by passing certain achievements related to simple skills, habits, ideals, and hobbies.

(b) In Boy Scouting, recognition is gained through leadership in the troop, attending and participating in its activities, living the ideals of Scouting, and proficiency in activities related to outdoor life, useful skills, and career exploration.

(c) In Varsity Scouting, recognition is gained through leadership in the team, attending and participating in its activities, living the ideals of Varsity Scouting, and proficiency in activities related to outdoor life, useful skills, and career exploration.

(d) In Exploring, recognition takes on a wider scope, involving the assumption of adultlike roles, identification with adult careers, and participation in community and citizenship responsibilities.

Administration

Clause 2. All advancement procedures shall be administered under conditions which harmonize with the aims and purposes of the Boy Scouts of America.

Cub Scout Advancement

Clause 3. Basis for Advancement. The Cub Scout advancement program shall be the basis for the Cub Scout's advancement. There shall be three steps in Cub Scout and Webelos Scout advancement procedures: preparation, qualification, and recognition.

Clause 4. Ranks. There shall be the following ranks in Cub Scouting: Bobcat, Wolf, Bear, Webelos, and Arrow of Light. The requirements shall be as authorized by the Executive Board and set forth in Cub Scout publications.

Boy Scout Advancement

Clause 5. Basis for Advancement. The Boy Scout requirements for ranks shall be the basis for the Scout's advancement. There shall be four steps in Boy Scout advancement procedure: learning, testing, reviewing, and recognition.

Clause 6. Ranks. There shall be the following ranks in Boy Scouting: Tenderfoot, Second Class, First Class, Star, Life, and Eagle. The requirements shall be those authorized by the Executive Board and set forth in the official Scouting publications. Eagle palms may also be awarded on the basis of requirements authorized by the Executive Board and set forth in the official Scouting publications.

Clause 7. Responsibility of Troop Committee. It shall be the responsibility of the troop committee, under the leadership and guidance of the local council, to make sure that the program of the troop is conducted in such a way that Scouts have an opportunity to advance on the basis of the four steps outlined in clause 5.

Varsity Scout Advancement

Clause 8. Basis for Advancement. The Boy Scout requirements for advancement shall be the basis for the Varsity Scout advancement.

Clause 9. Responsibility of the Team Committee. It shall be the responsibility of the team committee, under the leadership and guidance of the local council, to make sure that the program of the team is conducted in such a way that Varsity Scouts have an opportunity to advance n the basis of the four steps outlined in clause 5.

Clause 10. Varsity Scout Letter. By participating actively in all phases of Varsity Scouting, a Varsity Scout may qualify for the Varsity Scout letter.

Explorer Recognition

Clause 11. Basis for Advancement. A male Explorer who has achieved the First Class rank as a Boy Scout in a troop or as a Varsity Scout in a team may continue working toward the Eagle Award while an Explorer, until his 18th birthday. There is no Explorer advancement route to qualify for the Eagle Award.

Clause 12. Ranks. There shall be awards and ranks in Sea Exploring, the requirements for which shall be approved by the Executive Board as proposed by the Exploring Committee and set forth in Explorer publications.

Clause 13. Examination in Camps.

(a) In special instances, where Scouts are attending educational or similar institutions and/or camps which give an intensive Scouting program, said institutions and camps may, upon application, be authorized by the Corporation to give the prescribed examinations and pass Scouts in such manner and with such special conditions as the facts presented (as to the facilities and leadership of the institution or camp) may, in the judgment of the Corporation, warrant.

(b) Upon the recommendation of the Corporation, authority may be granted annually for the above privileges to Scout camps or camps conducted by authorized representatives of the Boy Scouts of America that submit evidence of maintaining the program standards, provided their programs have been approved by the Corporation. No

exception shall be made to the time requirements to qualify for rank advancement or for the award of Eagle palms.

Responsibility for Merit Badges

Clause 14. The responsibility for merit badges shall rest with the merit badge counselor approved by the local council and district advancement committee. Merit badge counselors shall be registered adult members of the Boy Scouts of America. The merit badge counselor shall prepare and qualify youth members. There shall be no board of review procedure for merit badges, but public recognition may be given at a unit court of honor or other suitable occasion.

ACTIVITIES

SECTION 2.

Anniversary Celebration

Clause 1. The anniversary celebration of the Boy Scouts of America shall take place annually on February 8, the anniversary of the original day of incorporation of the Boy Scouts of America, and throughout the week (beginning on Sunday) containing this date. This week is known as Scouting Anniversary Week.

Clause 2. The national office of the Corporation through its various officers and with the cooperation of Scouters throughout the country shall arrange for a nationwide celebration on February 8 and throughout the month of February for the purpose of bringing more definitely to the attention of each community the value of the Scouting program for work with boys and young adults for the development of character and training for citizenship.

Clause 3. The program for the anniversary celebration of the Boy Scouts of America shall include a plan whereby every registered youth member shall be given an opportunity to observe Anniversary Day, February 8, with special ceremonies in which they recommit themselves to their respective Promise, Oath, Pledge, or Code.

Clause 4. On this occasion it shall be the duty of the unit leader and other leaders to bring to the attention of the unit members the extent of the Scouting brotherhood in our own country and throughout the world and impress upon their minds the fact that every member the world over is committed to the same obligation, as stated in the Tiger Cub Promise, Cub Scout Promise, Scout Oath, and Explorer Code.

Scouting Bands

Clause 5. Bands and bugle (or fife) and/or drum corps may be organized among members of the Boy Scouts of America and provided with suitable insignia indicating this special membership, provided, however, that the purpose of such organization shall be primarily and distinctively for the development of the boy and young adult along lines in harmony with the aims and objectives of the movement and that the members thereof also carry out the regular program.

Participant Fees

Clause 6. All national events and activities for which a participant fee is charged, to be determined from time to time by the Executive Board, must include a surcharge for the national liability insurance program.

BOYS' LIFE MAGAZINE

SECTION 3.

The Corporation shall publish a periodical entitled *Boys' Life* for all boys of Scouting age, providing wholesome stories and other material of interest and educational value, which will stimulate ambition and help in character development of boys. All stories and material shall be in harmony with the principles of Scouting as set forth in the Scout Oath and Law.

INSIGNIA, UNIFORMS, AND BADGES

SECTION 4.

General

Clause 1. The badges and other official insignia and the uniforms of the Boy Scouts of America shall be made available only to, and used only by, registered youth members or officials and other members who have satisfactorily complied with the requirements prescribed by the Corporation.

Official Uniforms

Clause 2. The official uniforms authorized as evidence of official relationship to the Boy Scouts of America shall be those approved by action of the Executive Board of the Boy Scouts of America from time to time, as illustrated and correctly described in the handbooks, catalogs, and other official publications of the Boy Scouts of America.

Protection of Uniforms

Clause 3. Restricted Sale and Use. The sale and use of the appropriate uniform as specified shall be restricted to members of the Boy Scouts of America who are registered and in good standing, according to the records of the organization. It shall be the responsibility of all members of the Boy Scouts of America and especially of all commissioned officers and chartered councils to cooperate with the Corporation in preventing the use of the official uniforms by those who are not members of the organization in good standing.

Clause 4. Prohibition of Alteration or Imitation.

(a) No alteration of, or additions to, the official uniforms, as described in the official publications, or the rules and regulations covering the wearing of the uniform and the proper combinations thereof on official occasions, may be authorized by any Scouting official or local council or any local executive board or committee, except the Executive Board of the Boy Scouts of America after consideration by the Program Group Committee.

(b) Imitation of United States Army, Navy, or Marine Corps uniforms is prohibited, in accordance with the provisions of the organization's Congressional Charter.

Distribution of Uniforms

Clause 5. The official uniforms and parts thereof shall be issued only as authorized by the Executive Board of the Boy Scouts of America and sold either directly by the national office — through responsible local merchants designated as local Scouting distributors — or through designated local

councils. Local Scouting distributors may be appointed and licensed and the licenses revoked only by the national office, but chartered local councils may make recommendations for such actions.

Use of Uniform

Clause 6. The official uniforms are intended primarily for use in connection with Scouting activities as defined by the national Executive Board, and their use may be approved by the local council executive board for council events or activities under conditions consistent with the Rules and Regulations of the Boy Scouts of America.

Clause 7. Use Abroad. Members of the Boy Scouts of America, whose address of registration is within the United States, shall not wear the official uniforms nor any official Scouting badges and insignia outside the limits of the United States except when carrying international letters of introduction issued by the Corporation or as members of groups traveling with tour permits issued by the Corporation.

Protection and Use of Badge and Insignia

Clause 8. All badges and insignia of the Boy Scouts of America shall be used exclusively by members of the Boy Scouts of America, registered and in good standing according to the records at the national office, who qualify in accordance with the provisions herein set forth or as may be authorized by the Executive Board from time to time and published in the official handbooks by the Corporation.

Clause 9. All badges and insignia shall remain the property of the Boy Scouts of America subject to recall for cause by the Corporation or its duly authorized representative.

Alteration of Badges and Insignia

Clause 10. No alteration of, or additions to, the official badges and insignia or in the rules and regulations governing their use or their location upon the uniform may be authorized by any Scouting official, local council, local executive board, or committee except the Executive Board of the Boy Scouts of America and committees specifically authorized thereof.

Special Local Badges and Insignia

Clause 11. Local councils are authorized to adopt special badges and insignia as awards for particular purposes in harmony with national policies and to permit their use upon the official uniform in accordance with the Rules and Regulations of the Corporation, but such awards must be approved as to purpose and design by the Corporation in advance.

Authorization

Clause 12. The national office shall have the sole right to authorize the use of insignia, words, phrases, designation marks, pictorial representation, and descriptive remarks relating to the program of the Corporation on commercial products, promotional efforts, and/or sale and distribution to members of the Boy Scouts of America and/or the general public. The use of same by local councils shall be only as authorized and approved by the national office.

LIFESAVING AND MERITORIOUS ACTION AWARDS

SECTION 5

Lifesaving Awards

Clause 1. Lifesaving Awards. Recognition may be given to a youth member or adult leader of the Boy Scouts of America where the evidence presented to the National Court of Honor, in accordance with prescribed regulations, shows that he or she saved or attempted to save life under circumstances which indicate heroism and risk to self. The court will give consideration to resourcefulness and to demonstrated skill in rescue methods. In no case shall recognition be given where it appears that the risk involved was merely in the performance of duty or the meeting of an obligation because of responsibility to supervise and give leadership to the persons whose lives were saved. The awards are:

(a) Honor Medal With Crossed Palms. The Honor Medal With Crossed Palms may be awarded in exceptional cases to a youth member or adult leader who has demonstrated unusual heroism and extraordinary skill or resourcefulness in saving or attempting to save life at *extreme* risk to self.

(b) Honor Medal. The Honor Medal may be awarded to a youth member or adult leader who has demonstrated unusual heroism and skill in saving or attempting to save life at *considerable* risk to self.

(c) Heroism Award. The Heroism Award may be awarded to a youth member or adult leader who has

demonstrated heroism and skill in saving or attempting to save life at *minimum* risk to self.

Meritorious Action Awards

Clause 2. Meritorious Action Awards. Recognition may be given to a youth member or adult leader where the evidence presented to the National Court of Honor, in accordance with prescribed regulations, shows that a significant or outstanding act of service, *of an exceptional character*, was performed. The action taken need not involve attempts of rescue or risk to self but must put into practice Scouting skills and/or ideals. Recognition shall not be given where it appears that the action involved was merely in the performance of duty or the meeting of an obligation. The awards are:

(a) Medal of Merit. The Medal of Merit may be awarded to a youth member or adult leader who has performed an act of service *of a rare or exceptional character* that reflects an uncommon degree of concern for the well-being of others.

(b) National Certificate of Merit. The National Certificate of Merit may be awarded to a youth member or adult leader who has performed a significant act of service that is deserving of special national recognition.

Clause 3. All applications should be submitted to the National Court of Honor through the local council upon duly prescribed forms, and it shall be within the discretion of the National Court of Honor to determine which type of recognition, if any, shall be given. Recipients of these awards must be registered members of the Boy Scouts of America at

the time the action was performed. Awards are made in the name of the Boy Scouts of America.

AWARDS FOR DISTINGUISHED SERVICE TO YOUTH

SECTION 6.

Silver Buffalo Award

Clause 1. The Boy Scouts of America may award the Silver Buffalo for distinguished service to citizens of the United States upon the following basis and procedure:

(a) These awards may be made each year.

(b) The award is made on the basis of noteworthy service to youth, of a national or international character, outside of the line of regular duty, either directly to or independent of the Boy Scouts of America.

(c) As evidence of the award there shall be presented: a suitable certificate, descriptive of the services rendered, duly authenticated by the Boy Scouts of America, pursuant to the action of the Executive Board; and a miniature Silver Buffalo, suspended by a red, white, and red ribbon to be worn around the neck.

(d) These awards shall be made at the meeting of the National Council or at a major function of the Boy Scouts of America, pursuant to the action of the Executive Board, which action shall be based upon recommendation to the Executive Board by the National Court of Honor, or by recommendations to the Executive Board by the president of the corporation and the Chief Scout Executive.

Silver Antelope Award

Clause 2. The Boy Scouts of America, acting through the National Court of Honor, may award the Silver Antelope for distinguished service to youth upon the following basis and procedure:

(a) This award may be made each year upon the nomination of the regional cabinet. The nomination shall be submitted not less than 30 days in advance of the date upon which it is desired to present the award.

(b) This award may be made for noteworthy service of exceptional character to youth by registered Scouters, Cub Scouters, Varsity Scouters, and Exploring leaders within the territory under the jurisdiction of a regional cabinet.

(c) As evidence of the award there shall be presented: a suitable certificate, duly authenticated by the Boy Scouts of America, pursuant to the action of the National Court of Honor; and a miniature Silver Antelope suspended by an orange, white, and orange ribbon to be worn around the neck.

(d) It shall be a general policy that no public announcements shall be made by the region in advance of action of the National Court of Honor with reference to the names presented for consideration.

(e) These awards shall be presented to the recipients by the region in connection with its annual meeting or other public function, but only after approval of the award by the National Court of Honor.

(f) Each region shall be entitled to one nomination for each 30,000 registered adults or portion thereof in its territory.

as of December 31 preceding the nominations, according to the records of the national office.

(g) Regions not using their full allotment in any year may accumulate the unused portion for use in any subsequent year.

(h) The National Court of Honor may, based upon initial recommendation of the Operations Group, award the Silver Antelope to persons in overseas areas.

Silver Beaver Award

Clause 3. The Boy Scouts of America, acting through the National Court of Honor, may award the Silver Beaver Award for distinguished service to youth upon the following basis and procedure:

(a) This award may be made each year upon the nomination of chartered local councils. These nominations shall be submitted not less than 30 days in advance of the date upon which it is desired to present the awards.

(b) The award is made for noteworthy service of exceptional character to youth by registered Scouters, Cub Scouters, Varsity Scouters, and Exploring leaders within the territory under the jurisdiction of a local council.

(c) As evidence of the award there shall be presented: a suitable certificate, duly authenticated by the Boy Scouts of America, pursuant to the action of the National Court of Honor; and a miniature Silver Beaver suspended by a blue, white, and blue ribbon to be worn around the neck.

(d) It shall be a general policy that no public announcements shall be made by the local council in advance

of action by the National Court of Honor with reference to names presented for consideration.

(e) These awards shall be made to the recipients by the local council concerned in connection with its annual meeting or other public function.

(f) Each duly chartered local council shall be entitled to one nomination. Councils having more than 60 units shall be entitled to further nominations on the basis of one for each additional 60 units or fraction thereof in their territory, as of December 31 preceding the nomination, according to the records of the national office.

(g) Councils not using their full allotment in any year may accumulate the unused portion for use in any subsequent year.

(h) In extraordinary cases the Silver Beaver Award may be made by the National Court of Honor to a Scouter upon the recommendation of the duly constituted Scouting authorities having supervision of one or more units of the Boy Scouts of America, located outside of the United States and not under the jurisdiction of a local council.

Silver World Award

Clause 4. The Boy Scouts of America through the National Court of Honor which has delegated the selection of recipients as hereinafter provided may award the Silver World Award for distinguished service to youth as follows:

(a) The award may be presented to citizens of any country whose Scout association is a member of the World Scout Conference, in recognition of his or her service of

exceptional character to the youth of his or her own country, or on an international basis.

(b) The recipient does not have to be a member of a Scout association. United States citizens may receive the Silver World Award for international service to youth, provided they are not registered members of the Boy Scouts of America.

(c) Approved awards may be presented by an authorized member of the Boy Scouts of America either by a personal visit with the recipient or at an official meeting of a national Scout association, including the BSA.

(d) Designation of recipients of the Silver World, by authority of the International Committee and the Executive Board, is delegated to the following:

President of the Boy Scouts of America
Chief Scout Executive
International Commissioner
Chairman of the International Committee

(e) The award may be granted upon the concurrence of any three of the above. Awards may be made at any time on behalf of the International Committee and the national Executive Board. The International Committee receives a full report of the Silver World Award designation at each meeting and will maintain accumulative records of awards including support data.

(f) As evidence of the award there will be presented: A suitable certificate duly authorized by the Boy Scouts of America. The design will be a circular blue enameled silver medallion upon which will be superimposed meridian lines

and stars signifying the global scope of the award. An applied silver universal badge of the Boy Scouts of America will be centered upon the front of the medallion. The award will be suspended upon a red and white ribbon and will be worn about the neck of the recipient, when such practice does not conflict with approved uniforming policy.

ARTICLE XI. BUSINESS, FINANCE, PROPERTIES, CONTRACTS, REGISTRATION

FINANCE

SECTION 1.

Local Council and Unit Finance

Clause 1. Control of Funds.

(a) Limitation of Authority. No unit or local council shall have authority to commit the National Council to any financial obligation whatever.

(b) Purpose. All money raised by or received for the benefit of a unit or local council and all property acquired by a unit or local council shall be deemed to be received or acquired solely for the benefit of Scouting as interpreted and promoted by the Boy Scouts of America.

(c) Local Council Control. Subject to general rules and regulations adopted by the National Council or Executive Board, local councils shall control the raising and expenditure of all funds for local Scouting work in their jurisdiction.

(d) Annual Reports. Each chartered local council shall render annually to the community in which it is located a duly

audited statement of all funds collected and expended and shall furnish a copy thereof to the national office.

(e) Gambling. Any fundraising project designated to benefit chartered organization units, districts, local councils, or on a national basis which involves games of chance, lotteries, sale of raffle tickets, bingo, or which could be construed as a gambling activity, is not permitted.

(f) Product Sales. The National Council will not engage in a product sale at the national level.

(g) Insignia. The National Council shall have the sole right to authorize the use of insignia, words, phrases, designation marks, pictorial representations, and descriptive remarks relating to the program of the Corporation on commercial products, promotional efforts, and/or sale and distribution to members of the Boy Scouts of America and/or the general public. The use of the same by local councils shall be only as authorized by the national office.

(h) Pyramid Sales, Multilevel Marketing. Any fundraising projects on a unit, council, or national basis which are in the nature of pyramid sales or multilevel marketing are not permitted.

(i) A local council may charge a unit activity fee or a participant surcharge, to be determined from time to time by the local council, to be applied to council national liability insurance program charges.

Clause 2. Disposition of Funds Upon Termination of Local Council or Unit.

(a) Council Obligations. In the event of the dissolution of a council or the revocation or lapse of its charter, the

Executive Board may, at its option, assume charge of the affairs of the council and continue operation pending reorganization or reestablishment of the council or wind up the business of the council, applying all funds and property in the possession or control of such council to the payment of its obligations and administering any surplus funds or property as it may, in its judgment, deem to be in the best interests of Scouting.

(b) Unit Obligations. In the event of the dissolution of a unit or the revocation or lapse of its charter, the unit committee shall apply unit funds and property to the payment of unit obligations and shall turn over the surplus, if any, to the local council, if there is one, or if there is no local council, dispose of the same in accordance with the direction of the Executive Board of the Boy Scouts of America. In the case of a chartered organization, any funds or equipment which may have been secured as property of the unit shall be held in trust by the chartering organization or the chartered local council, as may be agreed upon, pending reorganization of the unit or for the promotion of the program of the Boy Scouts of America.

(c) Administration of Local Funds by Corporation. Any property or funds acquired by the Executive Board upon the dissolution of a Scouting unit or local council shall be administered so as to make effective, as far as possible, the intentions and wishes of the donors.

(d) Special Funds. Special funds created for specific purposes, acquired by a unit or local council, shall be vested in a bank, trust company, or BSA Intravest Trust, in trust for the use of the unit or the local council, in accordance with the

wishes of the donors, with the provision in the statement of the conditions governing the administering of the funds that in the event of the dissolution of the unit or council or revocation or lapse of its charter said trustee or trustees will, after satisfying any claims against such fund, turn over to the Boy Scouts of America the balance for use by the Boy Scouts of America for the benefit of Scouting in such locality and for the specific purposes for which the fund was granted. If there is no suitable opportunity for the use of said fund in such locality, it may be used elsewhere.

REAL ESTATE

SECTION 2.

Local Council

Title to Real Estate. Except as hereafter provided in this clause with respect to incorporated local councils, the title to all real estate acquired for a unit or local council shall be vested in a bank or trust company, in trust for the use of the unit or local council in accordance with the wishes of the donors, with a provision in the deed that in the event of the dissolution of the unit or council or the revocation or lapse of its charter said trustee or trustees will, after satisfying any claims against such unit or council to which such real estate may be subject, convey said property or, if sold, pay the net proceeds of such sale to the Boy Scouts of America, which shall hold or use said property or funds for the benefit of Scouting in such locality or elsewhere if there is not suitable opportunity to use said property or funds in such locality. Any incorporated local council may hold title to real property in its own name provided its certificate or articles of incorporation

expressly provide for the conveyance of such property or the net proceeds from the sale thereof to the Boy Scouts of America in the event of the dissolution of the local council or the revocation or lapse of its charter.

REGISTRATION

SECTION 3.

Local Council Registration

Clause 1. Council Charter and National Service Fees

(a) Applications for new or renewal charters stipulate a number of requirements, which must be satisfied in order to maintain the local council in good standing.

(b) An annual registration fee, known as the council charter fee and determined from time to time by the Executive Board and announced to the field, will be paid by local councils to the national office upon charter application or renewal application.

(c) An annual assessment, known as the national service fee, for which the calculation will be determined from time to time by the Executive Board and announced to the field, will be paid by the local councils to the national office. This fee will be paid during the 10-month period beginning with February and ending in November.

Unit Registration

Clause 2. There is an annual unit charter fee determined from time to time by the Executive Board and announced to the field. This fee is paid to the national office each time a

unit registers or reregisters and is in addition to the individual membership registration fees.

Clause 3. Expiration of Unit Registration. The expiration of the registration of units shall normally be 12 months from the last day of the month in which the original organization of the unit was approved by the local council or, in the case of units not under local council supervision, by the Corporation.

The rights and privileges of all the members of a unit expire with the expiration of the unit registration.

Clause 4. Dropped Units. In cases where units have been dropped from the records under conditions which they could not avoid, they may have their record of continuous service reestablished by submitting evidence of continued activity and paying registration fees from the date of charter expiration.

Term of Membership

Clause 5. The expiration of registered membership shall be as follows:

(a) National Council members and officers and regional committee members and officers, at the end of the period for which they have been duly elected, unless registered in some other capacity.

(b) Scouters serving in council and district capacities only and members of the Scouter Reserve, with the expiration of the council year for which they are issued. (This does not include the chartered organization representatives.)

(c) Unit Scouters serving in unit capacities only (including chartered organization representative of the

chartered organization or group of citizens), with the unit charter.

(d) Unit members, with the expiration of the registration of their respective units.

(e) Lone Cub Scouts and Lone Cub Scout friends and counselors, annually, 1 year from the date of their last registration.

(f) Lone Boy Scouts and Lone Boy Scout friends and counselors, annually, 1 year from the date of their last registration.

(g) Registered retired professional Scouters, annually, 1 year from the date of their last registration.

(h) Individuals (adult or youth members) holding an unexpired registration certificate transferring from unit to council, council to unit, or unit to unit pay a membership transfer charge. This charge applies to all transfers during the charter year, but shall not apply to Tiger Cubs becoming Cub Scouts in their affiliated pack.

Registration of Youth Members

Clause 6. Youth membership with the Boy Scouts of America requires the payment of an annual registration fee determined from time to time by the Executive Board and announced to the field. Except for Career Awareness Explorers, this fee is prorated to coincide with the expiration date of the unit charter for periods of time of more or less than 1 year.

Clause 7. Explorers may participate in more than one Explorer unit as well as a Boy Scout troop or Varsity Scout

team with the payment of one primary registration in an Explorer unit.

Registration of Adult Members

Clause 8. There shall be an annual registration fee determined from time to time by the Executive Board and announced to the field, a portion of which is for a subscription to *Scouting* magazine for adult members. When additional names of members are added to a unit or council for a registration period of less than a year, the fee is prorated.

Clause 9. If an adult member serves in more than one capacity, only one registration fee is required.

Procedure for Registration

Clause 10. All applications shall be submitted on official forms prepared for that purpose and carrying due reference to the requirements and provisions of the Bylaws of the Boy Scouts of America.

Clause 11. The Corporation shall issue to each approved registrant a suitable certificate of membership or commission designating the applicant's official relationship to the Boy Scouts of America.

Special Types of Registration

Clause 12. Sustaining. Persons who desire to be identified with the local council through their financial support and influence in the expansion of the council program may be enrolled as sustaining members of local councils. They may, if the council desires, be elected as associate members in accordance with article VI, section 1, clause 2, of these Rules and Regulations.

Clause 13. Camp Staff Members. Young men and women, 16 years of age and over, who are employed as members of a Scout camp staff, and who are not already registered, shall be registered by the employing council as camp staff members.

Clause 14. College Scouter Reserve. College students who will commit themselves to an informed interest and active participation in the program, whenever possible, may be registered as members of the College Scouter Reserve.

Clause 15. Merit Badge Counselors. Persons who are at least 18 years of age may serve as merit badge counselors in subjects for which they are qualified and must register as such as adult Scouters as provided in this section. A fee for such registration shall not be required.

Clause 16. Scouter Reserve. Individuals 21 years of age and over may upon approval of the local council register as members of the Scouter Reserve of the Boy Scouts of America by paying the registration fee required of a Scouter. Individuals so registered may serve in the following ways: as faculty members of Cub Scout training courses, assisting in organizing and training in connection with Cub Scout packs, Varsity Scout teams, with Explorer posts and ships as consultants, and as hosts and hostesses, and by helping in finance and public relations campaigns. They may serve as members of fathers' and mothers' clubs, parents' clubs, and auxiliaries of units. Members of the Scouter Reserve may wear the universal badge of Scouting to signify their membership.

Clause 17. Veteran Award. After 5 years of duly registered service in the Boy Scouts of America, individuals may upon application receive the designation of "veteran,"

provided they agree to live up to their Scouting obligations and to keep local Scouting authorities in the community in which they live informed as to their availability for service. A special badge shall be made available to veterans. Such veterans, maintaining an active registered relationship in any capacity, shall pay the regular registration fees of their class. Veterans, desiring recognition as veterans for periods of time established by the Corporation for particular recognition, must maintain active registered relationship for the required number of years, paying their annual registration fees.

Clause 18. Retired Professional Scouters. Persons who have been retired from professional Scouting may be registered on an annual basis with the national office of the Corporation upon the approval of the Corporation.

Clause 19. Mentally Retarded or Severely Physically Handicapped Youth Members. In the discretion of the Executive Board, and under such rules and regulations as it may prescribe upon consultation with appropriate medical authorities, registration of boys who are either mentally retarded or severely physically handicapped, including the blind, deaf, and emotionally disturbed, over age 11 as Cub Scouts and over age 18 as Boy Scouts, or Varsity Scouts, and registration of young adults who are either mentally retarded or severely physically handicapped, including the blind, deaf, and emotionally disturbed, over age 21 as Explorers, and the participation of each in the respective advancement programs while registered, is authorized.

Clause 20. Confidentiality of Membership Lists. The Boy Scouts of America has the responsibility to protect the confidentiality of the names of those who are affiliated with

the movement. No commercial or unauthorized use is to be made of the lists (names and addresses) of members or of financial supporters, or those who answer surveys in connection with Scouting. Results of surveys may be shared by local councils with existing or potential chartered organizations in the normal pursuit of membership growth.

Denial of Registration

Clause 21. Article VIII, section 1, of the Bylaws sets forth the right of the Boy Scouts of America to set standards of membership and leadership. The procedure for maintaining those standards through denial of registration is expressed in a publication entitled *Procedures for Maintaining Standards of Membership and Leadership.*

ARTICLE XII. AFFILIATES

NATIONAL EAGLE SCOUT ASSOCIATION

SECTION 1.

Clause 1. The Corporation shall establish and operate a National Eagle Scout Association whose primary purpose will be to conserve and develop the potential represented by those who hold Eagle Scout rank. The organizational structure and operating practices of the National Eagle Scout Association shall be in harmony with the principles of Scouting. The Executive Board of the Corporation shall receive an annual report of the work and have jurisdiction over the National Eagle Scout Association.

Clause 2. The National Eagle Scout Association shall be advised by a Board of Regents. Recipients of the

Distinguished Eagle Scout Award are invited to serve, and all who accept become members of the Board of Regents. A chairman, who shall be an ex officio member of the Executive Board, is elected by the members of the Board of Regents.

ORDER OF THE ARROW

SECTION 2.

The Corporation shall operate a national brotherhood of honor campers of the Boy Scouts of America known as the Order of the Arrow. The purposes of the Order of the Arrow shall be to recognize those Scout campers who best exemplify the Scout Oath or Promise and Law in their daily lives, to develop and maintain camping traditions and spirit, to promote Scout camping, and to crystalize the Scout habit of helpfulness into a life purpose of leadership in cheerful service to others.

ARTICLE XIII. SPECIAL SITUATIONS

EXPERIMENTAL PROGRAMS

SECTION 1.

ANY EXPERIMENTAL PROGRAM WHICH IS INCONSISTENT WITH THE PROVISIONS OF THE BYLAWS OR THESE RULES AND REGULATIONS MAY BE ADOPTED SUBJECT TO THE FOLLOWING RESTRICTIONS.

Clause 1. It must be approved by the Executive Board upon the recommendation of the Executive Committee.

Clause 2. The geographical areas affected shall be clearly defined.

Clause 3. A termination date shall be fixed.

Clause 4. A progress report shall be made to the Executive Board:

(a) If an extension is requested or

(b) At the Executive Board meeting next preceding the termination date.

OVERSEAS SCOUTING

SECTION 2

Direct Service Units

Clause 1. General. To further its objectives of extending membership privileges to citizens of the United States in other parts of the world, the Corporation authorizes the registration of youth members and leaders and the establishment of units in areas lying outside of the jurisdiction of any local council.

Clause 2. Policy of Cooperation. To foster and strengthen the close and friendly relationship that exists between the Boy Scouts of America and other Scout associations, members and leaders of units will work in close harmony with their fellow Scouts and Scouters in the area.

World Organization of the Scout Movement

Clause 3. Operation of Scouting units in the United States for member associations of the World Organization of the Scout Movement.

Member associations of the World Organization of the Scout Movement may organize, administer, and service units of their association for dependents of their citizens living temporarily in the United States. Such permission to be granted upon certification by the national office, under the following conditions:

(a) The approval to establish a unit will be on an annual basis and may be extended upon review of status as reflected in an annual report.

(b) Registration will be restricted to citizens and dependents of member countries. No registration will be accepted or allowed in the unit from citizens of the United States or any third country.

(c) The condition of registration will reflect agreements as to the use of Boy Scouts of America uniforms, badges, and insignia. In this instance only would there be a requirement for dual registration.

(d) There will normally be no registration fee assessed by the Boy Scouts of America for either a unit or individual member.

(e) Standards of certification will include membership qualifications, use of insignia and uniform, and adherence to the basic policy, program, and methods of the World Organization of the Scout Movement.

IN-SCHOOL SCOUTING

SECTION 3.

Clause 1. To further its purpose and relationships concept of working through others to meet and serve the needs of youth and communities, the Corporation authorizes the establishment of a cooperative program known as in-school Scouting.

Clause 2. In-school Scouting refers to all types of Scouting's youth programs which take place during school hours and/or as part of school curriculum.

Clause 3. In-school Scouting provides additional opportunities for schools to utilize the values and ideals of Scouting, through mutually agreeable programs between local councils and the schools, which offer character development, citizenship training, and mental and physical fitness opportunities to students taking part in such programs.

ARTICLE XIV. INDEMNIFICATION
(See Bylaws)

ARTICLE XV. WAIVERS AND AMENDMENTS
(See Bylaws)

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, MONMOUTH COUNTY

[CAPTION OMITTED]

CERTIFICATION OF DR. RICKY L. SLAVINGS IN SUPPORT OF DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT

STATE OF VIRGINIA)
) ss.:
MONTGOMERY COUNTY)

Ricky L. Slavings certifies:

1. I am Associate Professor of Sociology at Radford University in Radford, Virginia. I have a Ph.D. in Sociology from the University of Missouri. In my professional work and research, I have specialized in the sociology of education and the sociology of youth and adolescence, devoting special attention to small group interaction and small group dynamics. The attached curriculum vitae more fully describes my educational and professional background and my publications.

2. I have been personally involved in the Boy Scout program for over 10 years. I served as an assistant Scoutmaster, Troop Committee Chairman and Acting Scoutmaster of Troop 708 in Columbia, Missouri. I am currently the assistant Scoutmaster of Troop 244 in Radford, Virginia. I have assisted with organizing Boy Scout Troops and Patrols and Cub Scout Packs and Dens.

3. For a number of years I have been studying Boy Scout Troops and Cub Scout Packs as part of a professional study of the socialization processes and methods of value transmission in Scouting. In the course of this work I have conducted observations of over 60 Boy Scout Troops. I am familiar with the literature of Boy Scouting, including recent editions of the Boy Scout Handbook, Scoutmaster Handbook, Patrol Leader's Handbook, Boy Scout Field Book and most of the publications and training materials that are directed to youth or adult Boy Scout leaders.

Scouting's Expressive Goals and Activities

4. Boy Scouting uses a variety of methods to instill in young boys a set of norms and values, ideas about what is right or wrong. The norms and values that Scouting seeks to teach are set forth in the Boy Scout Oath and the Boy Scout Law. The Boy Scout Oath reads "On my honor I will do my best to do my duty to God and my country and to obey the Scout Law; to help other people at all times, to keep myself physically strong, mentally awake and morally straight." The Scout Law provides that "A Scout is Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, Cheerful, Thrifty, Brave, Clean, Reverent."

5. Among the values and norms Scouting seeks to instill are that boys in Scouting are to be "morally straight" and "clean" in their thoughts and conduct, as expressed in the Scout Oath and Law and that homosexual behavior is inconsistent with these requirements of the Oath and Law. Scout leaders as well as other Scouts influence the development of Scouts' norms, values, identities and self concepts, which in turn influence their behaviors. The youth

members of Boy Scouting are at an age where their norms, values and self concepts are particularly susceptible to change and influence.

6. The Scout leader occupies a prominent role in reinforcing Scoutings' norms and values. For the boys, the Scout leader is the embodiment of the norms and values represented by the Scout uniform he wears and the boys will look to him for guidance and support. This is especially true when boys are on camping trips and they do not have their parents upon which to rely for guidance. In time, the Scout leader becomes a friend to the boys, perhaps the first adult relationship aside from their parents these boys ever had.

7. The use of small groups and the positive example of adult leaders are some of the methods Scouting uses to guide boys in understanding and living by the norms and values expressed in the Scout Oath and Law. The Patrol offers boys a sense of identity with a group and a chance to share in the responsibilities of leadership. Associating with adult leaders who live according to the norms and values expressed in the Scout Oath and Law allows boys to accept these norms and values as their own.

8. The groups in which Scouting takes place are small, intimate, primary groups. A group is considered a primary group in sociological terms if it has relatively few members, it has a relative degree of permanence, its activity is characterized by face-to-face interaction among its members and it has a sense of group purpose. For example, a group of people waiting at a bus stop is not a primary group because it has no permanence beyond the arrival of the next bus, no group identity, and minimal face-to-face interaction.

9. Both Troops and Patrols are primary groups. They are relatively small groups, typically having between 15 and 30 boys in a Troop and three and eight boys in a Patrol. His Troop and his Patrol are constants for a boy. The Troop and Patrol are organized for face-to-face interaction through team work. Troop and Patrol members share a sense of group purpose in getting together to share the norms and values of Scouting and attending to their personal and social needs.

10. The groups in which youth members of Boy Scouts of America participate reinforce Scouting values in members and are powerful agents of socialization. Such reinforcement and socialization occurs through the processes of role modeling, normative advocacy, rhetorical reflection, and labeling and identification.

11. Role modeling is a process by which a person of importance lives by, expresses, and practices the norms and values he or she wishes the others to adopt. Others look to the role model for guidance and pattern their values and behavior after the role model. A Scout leader is a role model for the Troop members and is likely to influence the values, identity, self-concept and behavior of Scouting youth. An effective role model for Scouting values accepts the Scout Oath and Law as a guide for living.

12. Normative advocacy involves telling boys what values they should adopt. In Boy Scouting there are two primary components to normative advocacy, the Scout leader and the group itself (here, the Patrol or Troop). The Scout leader advocates the specific norms and values to Scouting youth that he wants them to adopt, those contained in the

Scout Oath and Law. Over time, the values and norms of the Oath and Law are reinforced in the boys through this process.

13. Rhetorical reflection is a process which results from the public affirmation of the norms and values which Scouting seeks to instill and the engaging in activities which reinforce those norms and values. Scouting requires that members state the Scout Oath and Law, a public promise to live according to certain norms and values, and statements of and activities concerning the Oath and Law lead to the acceptance of the norms and values embodied in the Oath and Law.

14. Labeling occurs when members are labeled in accordance with the beliefs and the values that the Scouting organization seeks to instill. Youth members of Boy Scouting are labeled as those who live by the Scout Oath and Law. Once labeled with particular norms and values over a period of time members internalize those values and identify with those values.

The Effect of Having a Scout Leader Whose Values were Inconsistent with Those of Scouting

15. The Scouting movement's ability to transmit its norms and values concerning morally straight and clean conduct to Scouting youth would be interfered with if persons who did not subscribe to those norms and values, and in fact lived as avowed homosexuals, were permitted to become leaders.

16. The placing of an avowed homosexual in a leadership position in Scouting despite Scouting's view that homosexuality is inconsistent with the Scout Oath and Law would minimize the importance of Scoutings' other norms and values.

17. The most effective way of instilling a set of norms and values in the members of a group is to consistently present those norms and values as being very important. To exempt a leader from holding one of those norms or values would reduce the power and importance of the other norms and values in the eyes of youth members.

18. Scoutings' ability to reinforce its norms and values also would be adversely affected by interfering with the four mechanisms outlined above. A leader could not serve as an effective role model for a Scouting value which the leader did not live by; such a leader would instead serve as a role model for the values the role model actually practiced. The presence of a homosexual Scout leader would provide a role model to youth members for the view that homosexuality is moral.

19. The process of normative advocacy of Scouting values to Scouting youth would be weakened if a leader advocated a value which was inconsistent with Scouting values. A Scout leader who was an avowed homosexual would serve as a normative advocate for a value directly contrary to what Scouting seeks to instill.

20. The process of rhetorical reflection would be undermined if the boys were aware as the Troop recited the Scout Oath and Law that their leader did not share all of the values therein expressed.

21. The process of labeling and identification of Scouting youth with the value of being morally straight and clean, as defined by Scouting, would be weakened if their leader, labeled as an adult Scouter, did not share that value with respect to the moral character of homosexual conduct.

22. Thus, a Scout leader who was an avowed homosexual would interfere with Scouting's ability to instill in youth the normative message that homosexual conduct is inconsistent with the Scout Oath and Law, as well as the other normative messages and values contained in the Scout Oath and Law.

23. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated: October 26, 1993

/s/ Ricky L. Slavings
Ricky L. Slavings

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, MONMOUTH COUNTY

[CAPTION OMITTED]

CERTIFICATION OF P. KARL ROWLEY IN SUPPORT OF DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT

STATE OF TEXAS)
) ss.:
COUNTY OF DALLAS)

P. Karl Rowley certifies:

1. I am employed as a commissioned professional by Boy Scouts of America ("Boy Scouts") in the position of Director of Council Services. I am fully familiar with the purposes and methods of Scouting.

2. Scouting seeks to instill values in boys and young people to prepare them to make ethical choices over their lifetimes. The values Scouting strives to instill are those expressed in the Scout Oath and Law.

3. The Scout Oath and Law set forth a positive moral code for living, setting forth affirmative qualities, such as being trustworthy, loyal, and morally straight. Through the Scouting program, youth members learn how to live up to these goals.

4. Since the Oath and Law set forth lists of "do's" rather than "don'ts," conduct that is inconsistent with the Oath and Law is not mentioned by name in their texts.

5. Homosexual conduct is a form of behavior that is regarded by Boy Scouts of America as not "morally straight" under the Scout Oath or "clean" under the Scout Law. This has been the position of the Scouting movement since Boy Scouts of America was incorporated in 1910.

6. For most of the period during which the Scouting movement has been active in the United States, the immorality of homosexual conduct was not a matter of public dispute. The medical and psychological communities considered homosexual behavior a form of sexual deviation and a psychosexual disease up until the 1970's. Until 1961, every state in the Union and the District of Columbia treated consensual sodomy as a criminal offense.

7. During this period, it was rare for anyone to declare himself to be a homosexual and inconceivable that an avowed homosexual would reasonably suppose that he would be eligible to serve as a Scout leader.

8. Until the homosexual rights movement began to a become active, there had been no occasion to prepare position statements with regard to homosexual conduct. The first Boy Scouts position statement, which was prepared in 1978, was never distributed because there were no questions being raised as to whether avowed homosexuals could become Scout leaders. Since 1981, when Timothy Curran brought suit in California, Scouting's position on homosexual conduct has been widely publicized, and position statements have been issued from time to time since then. Several position statements are annexed as Exhibit A.

9. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated: November 9th, 1993

/s/ P. Karl Rowley

Exhibits to Certification of P. Karl Rowley

[LOGO OMITTED]

National Office - Boy Scouts of America

North Brunswick, New Jersey 08902
Telephone: 201-249-6000
TWX 710-180-6262

March 17, 1978

TO: EXECUTIVE COMMITTEE MEMBERS

Homosexual activist groups across the country have been recently pursuing non-discrimination ordinances and laws. There are many reported instances of inquiries concerning the chartering of units to openly homosexual organizations, membership of homosexuals, and the appointment of homosexual volunteer and professional leaders.

We have been asked to express our official position to the field regarding these matters.

The following is a statement of our policies and procedures relating to homosexuality and Scouting. Please bear in mind that only the issue of homosexuality is dealt with, i.e., matters of sexual preference and not sexual deviance or criminal sexual misconduct.

POLICY

1. Q. May an individual who openly declares himself to be a homosexual be a volunteer Scout leader?

A. No. The Boy Scouts of America is a private, membership organization and leadership therein is a privilege and not a right. We do not believe that homosexuality and leadership in Scouting are appropriate. We will continue to select only those who in our judgment meet our standards and qualifications for leadership.

2. Q. May an individual who openly declares himself to be a homosexual be a registered unit member?

A. No. As the Boy Scouts of America is a private, membership organization, participation in the program is a privilege and not a right. We do not feel that membership of such individuals is in the best interests of Scouting.

3. Q. May a group of individuals who openly profess to be homosexuals obtain a unit charter?

A. No. As in the case with leadership and membership, a Boy Scouts of America unit charter is a privilege and not a right. We reserve the right to grant or withhold charters as we see fit.

4. Q. May an individual who openly declares himself to be a homosexual be employed by the Boy Scouts of America as a professional or non-professional?

A. Boy Scouts of America does not knowingly employ homosexuals as professionals or non-professionals. We are unaware of any present laws which would prohibit this policy.

5. Q. Should a professional or non-professional individual who openly declares himself to be a homosexual be terminated?

A. Yes, in the absence of any law to the contrary. At the present time we are unaware of any statute or ordinance in the United States which prohibits discrimination against individual's employment upon the basis of homosexuality. In the event that such a law was applicable, it would be necessary for the Boy Scouts of America to obey it, in this case as in Paragraph 4 above. It is our position, however, that homosexuality and professional or non-professional employment in Scouting are not appropriate.

PROCEDURE

1. Q. By what procedure may an individual's registration in the Boy Scouts of America be revoked?

A. This procedure is set forth in detail in the publication entitled Maintaining Standards of Leadership.

2. Q. What procedure should be followed in the event that an individual involved in Scouting is alleged to be a homosexual?

A. The matter should be investigated in a discreet and responsible fashion, with the utmost regard for the concerned individual's civil rights.

3. Q. What procedure should be followed in the event that a professional or non-professional employee is arrested and charged with an offense involving public morals?

A. The council representative should respectfully decline to comment or to take any action without the advise of the council's attorney. Any comment, speculation, or

volunteering of gratuitous information may be prejudicial to the civil rights of the accused . . . and under certain conditions, could lead to a suit for damages.

Downing B. Jenks
President

Harvey L. Price
Chief Scout Executive

POSITION STATEMENT

HOMOSEXUALITY AND THE BSA

For more than 80 years, the Boy Scouts of America has brought the moral values of the Scout Oath and Law to American boys, helping them to achieve the objectives of Scouting.

The Boy Scouts of America also places strong emphasis on traditional family values as being necessary components of a strong, healthy society. The Scouting program is designed to be a shared, family experience.

We believe that homosexual conduct is inconsistent with the requirement in the Scout Oath that a Scout be morally straight and in the Scout Law that a Scout be clean in word and deed, and that homosexuals do not provide a desirable role model for Scouts.

Because of these beliefs, the Boy Scouts of America does not accept homosexuals as members or as leaders, whether in volunteer of professional capacities.

Our position on this issue is based solely upon our desire to provide the appropriate environment and role models which reflect Scouting's values and beliefs.

As a private membership organization, we believe our right to determine the qualifications of our members and leaders is protected by the Constitution of the United States.

6/6/91

POSITION STATEMENT

HOMOSEXUALITY AND THE BSA

For more than 80 years, the Boy Scouts of America has brought the moral values of the Scout Oath and Scout Law to American boys, helping them to achieve the objectives of Scouting.

The Boy Scouts of America also places strong emphasis on traditional family values as being necessary components of a strong, healthy society. The Scouting program is designed to be a shared, family experience.

We believe that homosexual conduct is inconsistent with the requirements in the Scout Oath that a Scout be morally straight and in the Scout law that a Scout be clean in word and deed, and that homosexuals do not provide a desirable role model for Scouts.

Because of these beliefs, the Boy Scouts of America does not accept homosexuals as members or as leaders, whether in volunteer or professional capacities.

Our position on this issue is based solely upon our desire to provide the appropriate environment and role models which reflect Scouting's values and beliefs.

As a private membership organization, we believe our right to determine the qualifications of our members and leaders is protected by the Constitution of the United States.

JCK
2/15/91

POSITION STATEMENT

HOMOSEXUALITY AND THE BSA

For more than 80 years, the Boy Scouts of America has brought the moral values of the Scout Oath and Scout Law to American boys, helping them to achieve the objectives of Scouting. The Boy Scouts of America also places strong emphasis on traditional family values as being necessary components of a strong, healthy society.

We believe that homosexual conduct is inconsistent with the requirements in the Scout Oath and Scout Law. Because of these beliefs, the Boy Scouts of America does not accept homosexuals as members or as leaders, whether in volunteer or professional capacities.

Support points:

- The Scouting program is designed to be a shared, family experience.
- Our position on this issue is based solely upon our desire to provide the appropriate environment and role models which reflect Scouting's values and beliefs.
- As a private membership organization, we believe our right to determine the qualifications of our members and leaders is protected by the Constitution of the United States.

5/6/92 js
hpos

POSITION STATEMENT

HOMOSEXUALITY AND THE BSA

Support Points

- The Boy Scouts of America does not ask prospective members about their sexual preference, nor do we check on the sexual orientation of boys who are already Scouts.
- The reality is that Scouting serves children who have no knowledge of, or interest in, sexual preference. We allow youth to live as children and enjoy Scouting and its diversity without immersing them in the politics of the day.
- Membership in Scouting is open to all youth who meet basic requirements for membership and who agree to live by the applicable oath and law.
- Scouting involves poor, middle-class and rich youth, boys from the city, suburbs and the country; boys from all faiths, from Judaism, Christianity and Moslem.
- Scouts come from all walks of life and experience diversity that they often cannot see elsewhere in their lives.
- The position of the Boy Scouts of America has been conveyed to the American public frequently and consistently; exceptions to the national policies of the BSA are not granted, and any youth or adult presenting him or herself to any office of the Boy Scouts of America will be reinformed of our policy and position. However, a

youth does not join the BSA through a council office, but rather, through a local troop or pack.

- The BSA respects the rights of persons and groups to values which differ from those of the BSA; however, the BSA expects that those who oppose Scouting's positions exercise the same respect for the rights of the BSA.

BSA Position

The Boy Scouts of America has always reflected the expectations that Scouting families have had for the organization.

We do not believe that homosexuals provide a role model consistent with these expectations.

Accordingly, we do not allow for the registration of avowed homosexuals as members or as leaders of the BSA.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, MONMOUTH COUNTY

[CAPTION OMITTED]

CERTIFICATION OF EARL C. WIGHTMAN
IN SUPPORT OF DEFENDANTS'
CROSS-MOTION FOR SUMMARY JUDGMENT

STATE OF NEW JERSEY)
) ss.:
OCEAN COUNTY)

Earl C. Wightman certifies:

1. I was a Scoutmaster of Troop 73 in Matawan, New Jersey, at the time James Dale became an Assistant Scoutmaster of Troop 73. During the period that James Dale (then known as James Dick) was a youth member of Troop 73, I was an Assistant Scoutmaster of the Troop.

2. I have been active in Scouting for many years. I was a Cub Scout in Pack 17 in Red Bank, New Jersey and a Boy Scout in Troop 126 in Little Silver, New Jersey.

3. I first became an adult member of Boy Scouts of America in 1977, when I became Assistant Scoutmaster of Troop 126 in Little Silver, New Jersey. During my years of military service, I was Assistant Scoutmaster of two troops in Connecticut. I served as Assistant Scoutmaster of Troop 73 in Matawan, New Jersey from 1982 until becoming Scoutmaster on January 5, 1989. I remained as Scoutmaster until 1992, when the Troop ceased to be active. I am

presently once again an Assistant Scoutmaster of Troop 126 in Little Silver.

4. In connection with my volunteer service with Boy Scouts, I have completed several training courses, including Scoutmastership Fundamentals, Scouter's Basic Training and Commissioner Training, and attended Wood Badge training sessions. I am a Vigil Honor member of the Order of the Arrow, Na-Tsi-Hi Lodge and am an active adult advisor in several capacities in the Lodge. Like all volunteers in Boy Scouts, I receive no compensation, fringe benefits, worker's compensation protection or any other remuneration for my volunteer service.

5. The Order of the Arrow is an honor camping society within the Boy Scouts of America. I was inducted into the Order of the Arrow, Na-Tsi-Hi Lodge, at age 20 when I was Assistant Scoutmaster of Troop 126. Several years later, I became acquainted with James Dick through Order of the Arrow activities. Dick expressed to me a wish to move from the Troop to which he then belonged, and I invited him to join Troop 73.

6. When James Dick joined Troop 73 in 1985, he was already a junior in high school. When he joined Troop 73, Dick had completed all but a few of the merit badges required to earn the Eagle rank. Dick, who was the most senior member of the Troop, became Junior Assistant Scoutmaster.

7. In the years I was associated with it, Troop 73 was a small Troop, rarely having more than 10 Scouts active at any one time. Troop 73 met weekly on Tuesday evenings in the fellowship hall of the First United Methodist Church of Matawan, the sponsor of the Troop.

8. Troop 73's weekly meetings followed the same general format. Dick would begin the opening ceremony by playing Call to Colors or a similar song on the Bugle. The Senior Patrol Leader then would lead the Troop in a recitation of the Scout Oath and Law and Outdoor Code and the Pledge of Allegiance. There would be an instructional period, followed by a recreational period. The instructional time was usually spent on a Scouting skill or in preparing for an upcoming event such as a campout or a field trip. The recreational period might involve a knot-tying contest or a game of steal the bacon. The meeting would close with some final announcements on upcoming events, followed by a Scoutmaster's Minute and a Closing Ceremony.

9. About once a month, the Troop would engage in an outdoor activity -- a hike, a campout, or an outing such as a museum trip. Perhaps once a year, Troop 73 participated in a District or Council-wide event, such as a camporee or a Scout Fair. Occasionally, I would advance the Troop money from my personal funds to pay a camping or activity fee, for which I later would be repaid. However, I was never reimbursed for any personal expenses.

10. Troop 73 on occasion went on public lands in the course of its activities. For example, the Troop sometimes hiked on state park land or visited a museum or other place of interest, like the Edison National Historic Site, Allaire State Park, or Old Fort Hancock. To the best of my knowledge, the Troop's access to public lands was the same as that afforded to any other group of citizens.

11. Troop meetings were planned by the junior leadership with the guidance of the adult leadership.

Monmouth Council did not impose any activity requirements and did not involve itself in the inner workings of the Troop.

12. After Dick turned 18, he applied for adult membership as an Assistant Scoutmaster. He changed his name to Dale and went off to college by the time he applied.

13. I do not remember Dale participating in the Troop after that, except for his attendance at the Eagle Court of Honor of James Mawby, which was held in Spring 1990. Unlike the 15 other Eagle Scouts in attendance, Dale did not wear his uniform or otherwise participate. After that, I did not see him again at any Scouting function.

14. As an adult leader, I have always understood homosexual conduct to be incompatible with Scouting principles as reflected in the Scout Oath and Scout Law. I believe the other adult volunteer members of Troop 73 also understood that homosexual conduct was inconsistent with Scouting values.

15. As Scoutmaster, I approved James Dale for the position of Assistant Scoutmaster. Had I been aware that James Dale was an avowed homosexual, I would not have approved his application.

16. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated: October 16th, 1993

/s/ Earl C. Wightman
Earl C. Wightman

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, MONMOUTH COUNTY

[CAPTION OMITTED]

AFFIDAVIT OF PHILIP REISSMAN

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Philip Reissman, a word processor at the firm of Hughes Hubbard & Reed, deposes and says:

1. The attached transcript is a fair and accurate record of a segment of the Joan Rivers Show of Friday, July 16, 1993, entitled "Gays in Uniform."

2. I am not related to any of the parties of this action by blood or marriage; and that I am in no way interested in the outcome of this matter.

/s/ Philip Reissman
Philip Reissman

Subscribed and sworn to before me
this 31 day of August, 1993.

/s/ Carla A. Kerr
Notary Public

"Gays in Uniform"

The Joan Rivers Show of Friday, July 16, 1993

Joan: "Today gays in uniform -- candid stories from law enforcement officers and others, including an ex-boy scout and what it's like to be out of a closet while trying to serve the public at the same time. Plus, of course, what do we do everyday. Gossip, gossip, gossip with the latest on Cindy Crawford and Scott Baio. It's all coming right up here, so stay right where you are. Okay? okay.

. . .

Joan: Okay, we'll be back with more. When we come back, we're gonna meet someone who was kicked out of the Boy Scouts because he was gay. I mean it just goes on and on and on. So -- having a uniform does not . . .

[Audience applauds]

Joan: My next guest joined the Cub Scouts at the age of eight. But he's now suing them for throwing him out because he is homosexual. Please welcome James Dale. How nice to have you along.

[Audience applauds]

Joan: Now. This looks to me like an Eagle Scout uniform. Right?

James: Uh yeah . . .

Joan: That's what my nephew was.

James: I was an Eagle Scout . . .

Joan: This was yours.

James: This was mine. And I'm not allowed to wear it any more because I openly admit that I'm gay.

Joan: So you can't wear this?

James: I can't wear that, I can't have anything to do with the Scouting program . . .

Joan: If you put this on; what would they do, arrest you?

James: I guess I'll just have to have another lawsuit or something to go against that one. I'm -- I'm not sure, just legally they've taken away my history, all the years, the 12 years I had in the Scouting program.

Joan: When you joined the Boy Scouts you were how old?

James: I was -- I joined the Cub Scouts at the age of eight, I was a Cub Scout, then a Webelos, I was in the Scouting program for over 12 years, I'm 22 years old now, so this is over half of my life that they've basically taken away.

Joan: And then what happened? You came out? You found you were a homosexual, and then you said I'm homosexual, or they found out, or you kept it quiet, what's the story?

James: Well actually when I was 18 I went away to college at Rutgers University, and while I was at college my second year I got very active in gay politics there, and I was co-president of the Rutgers University Lesbian/Gay/Bisexual Alliance, and I basically took

up leadership roles that I was taught in the Boy Scouts. In the Boy Scouts they taught me to stand up for what I believe in, to be the best that I could be, to basically have conviction and have morals and have values, and because of those things that they taught me, I was basically thrown out of the Boy Scouts, and it actually is very ironic how it all happened.

Joan: How?

James: I was very close with the people who were in charge of my local council in Monmouth County, New Jersey, and I received what I found out later to be a form letter from them saying, "James Dale, you no longer meet the standards for leadership as established by the Boy Scouts of America." They didn't say why, and it was signed by a man who I knew, a man named James Kay, and later on I found out, I wrote them back and said, "Why? Why is it that for 12 years you told me that I was the best Scout, I spoke at fundraising banquets, I worked at Scout camp, um, I was basically Boy Scout of the Year one year, I was basically the best that I could be, since I was eight until nineteen, and then, I was an Assistant Scoutmaster, and, in the second letter they said, quote, "Avowed homosexuals are not permitted in the Boy Scouts of America." And I'd heard never heard anything for it for 12 years, ever.

Joan: Were any of your friends who were gay, uh, Boy Scouts?

James: Um, in retrospect I find out that a lot of people that are gay were Boy Scouts. Um, actually one interesting story is, one of those kids in my troop when I was an Assistant Scoutmaster at nineteen, the age of nineteen, had called me up, he had heard that I'd filed my lawsuit last July, and he was really concerned about what all this was about, and I told him that, yes, I am gay, and I'm very proud of who I am, and he was really concerned. The Boy Scouts meant a lot to him as it did to me when I was growing up. And he wanted to know what he should do if he wanted to make Eagle Scout as I had done, and I said "If you want to stay in the Scouting program, if it means a lot to you as it did to me, you have to lie to them. So you have to --"

Joan: You have to break one of the basic rules.

James: Yes. You have to be somebody other than who you really are. You can't be honest, and I think the big thing here, which I find out with a lot of the different organizations, it's not a matter of being gay, or being straight -- it's a matter of being proud. I had pride. I came out with conviction when I was nineteen years old, my parents support me 100%. They go to Parents and Friends of Lesbians and Gays meetings. I have pride, I stand up for what I believe in, I mean, what you see is what you get. I'm not hiding anything. But the Boy Scouts don't like that. There are hundreds and thousands of gay men and gay boys in the Boy Scouts, but they just can't say anything about it.

Joan: Why are you suing them? Why don't you just walk away and say go to hell, and you know what I would do I would just wear the uniform.

[Audience laughs]

Joan: Oh, I'd wear it all over the place.

James: I don't think it would fit though.

[Audience laughs]

Joan: Oh, my little merit badge. Why do you want to sue them?

James: Why do I want to sue them? Because --

Joan: For the publicity? What will you get from it?

James: No no. What will I get from it? The fact that I've basically been defamed by them because of who I am. They've basically said that I'm not good enough any more because I'm honest with them, because I'm open. What I expect to get back is the right to be an Assistant Scoutmaster or a Scoutmaster in the Boy Scouts. I expect to get back my pride, and I don't believe it's the entire program. I don't believe it's every single Scout and every single Scoutmaster saying, you know, "You're not good enough any more." What it really is, is it's a bureaucracy in Texas saying, "no girls, no gays," they have this whole list of things that's not allowed in the Boy Scouts. And "no gays" just happens to be one of them. So I, I believe in the program, a lot, and --

Frank: And I admire what you're doing. We have a case in San Diego -- and there are cases going on all over the country. In San Diego we have a fellow by the name of Chuck Merino. Fifteen-year police officer, who handles this this Explorer, Explorer Unit, and, uh, they threw him out, and he's an exemplary police officer. Uhm, the hidden agenda of these people is, child abuse, obviously, sexual abuse, they equate with homosexuality.

Donna: Yes.

Frank: And if you look at the FBI's statistics, over 90% of the children that are molested, are molested by heterosexuals. So if people try to equate pedophilia with homosexuality, they're two separate issues. And I think Jim would agree. That's the kind of hidden agenda that these people have, they try to equate homosexuals with child molesters, and less -- nothing could be farther from the truth.

Donna: I think it makes it easier to hate you too. If they keep that vision, that you do little boys or little girls, that it's just an add-on to further make them hate you. It's another reason.

Joan: Was either -- any one of you in Boy Scouts?

Frank: I was a Brownie.

[Audience laughs]

Guest: I was a Scout.

Joan: You were a Scout . . . you were a Scout . . . were you a Girl Scout?

Donna: No.

Guest: I think all these people --

Joan: So you guys now theoretically can't wear <u>your</u> uniforms ever again.

Guest: I wouldn't look good in a Brownie uniform.

[Audience laughs]

Joan: If you were to go to a reunion they wouldn't allow -- what can they do to you? It seems so stupid! It just annoys me!

James: Because I have a lawsuit against them I don't want to do anything to aggravate that further. And I respect the program, and I really believe in it, but I don't believe in the bigotry, and the open discrimination that they're expressing.

Joan: Oh of course. We'll go back, we'll talk about more of this, let's just go to a commercial. I just think this whole thing is so <u>stupid</u> I can't tell you. We'll be right back in a moment so please stay tuned.

[Audience applauds]

[Sound Bite: Recording of "God Bless America" sung at Boy Scout convention]

[Audience applauds]

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, MONMOUTH COUNTY

[CAPTION OMITTED]

DEPOSITION OF JAMES DALE
MAY 10, 1993

(excerpts)

* * * *

Q. When did you first become involved with Scouting?

A. At the age of eight.

Q. And did you become a Cub Scout at that time?

A. That is correct.

Q. And what led you to get involved with Cub Scouting?

A. My father, my mother and my brother were all involved in the Scouting program.

Q. In what capacities?

A. My father was -- I'm not sure at that period of time what my father's position was, but he was involved in the Cub Scouts with my brother and my mother was a den mother, and my brother was a Cub Scout.

Q. When you became a Cub Scout, who was the den leader of your den?

A. My den?

Q. Right.

A. I'm not certain.

Q. It wasn't your mother though?

A. No.

Q. She was a den mother for another den?

A. Yes.

* * * *

Q. When you became a Boy Scout, did you as part of the ceremony of joining Boy Scouting, recite the Boy Scout oath?

A. Yes, I did.

Q. Can you recite that oath today?

A. Yes, I can.

Q. Can you do so, please?

A. On my honor, I will do my best to do my duty to God and my country, to obey the Scout law, to keep myself physically strong, mentally awake and morally strict.

Q. Can you recite the Scout law as well?

A. Yes, I can.

Q. Can you do so, please?

A. A Scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent.

Q. When you joined Boy Scouting, did you join a particular Scout troop?

A. Yes, I did.

Q. What troop was that?

A. Scout Troop No. 220.

Q. Do you know what institution sponsored that troop?

A. King of Kings Lutheran Church.

Q. What roles did you have in that troop?

A. I was a Scout and assistant patrol leader.

Q. Did there come a time when you joined a different troop?

A. Yes, there was.

Q. Why was that?

A. Because my first Scout troop folded due to lack of adult leadership.

Q. The adult leadership was voluntary leadership?

A. That is correct.

Q. What troop did you join next?

A. I joined Scout Troop No. 128.

Q. By what institution was that troop sponsored?

A. Christ Church.

Q. What roles did you have in that troop?

A. Bugler, assistant patrol leader, patrol leader. That's all I can recall offhand.

Q. Did there come a time when you joined yet another troop?

A. Yes.

Q. And why was that?

A. My second troop also folded due to lack of adult leadership.

Q. What troop did you then join?

A. Troop No. 73.

Q. Who sponsored that troop?

A. I believe the name of the institution was Matawan Methodist Church or First Methodist Church.

Q. What roles did you have in that troop?

A. Junior assistant Scoutmaster, bugler, assistant Scoutmaster. That's what I can recall offhand.

Q. Now, did your Scout troops meet weekly?

A. Yes, they did. During the school year, yes.

Q. Did they hold their weekly meetings at the respective churches that sponsored them?

A. Occasionally.

Q. Did they also meet elsewhere?

A. That is correct.

Q. Troop 73, where did it typically meet?

A. Typically it met in the Methodist church. It also met in parks and other locations.

Q. In terms of the weekly meeting, was that meeting typically held in the church?

A. What do you mean by typically?

Q. Ordinarily. More often than not.

A. More often than not, yes.

* * * *

Q. As junior assistant Scoutmaster, what were your responsibilities in that role?

A. Essentially a liaison between the senior patrol leaders and the members of the troop and the Scoutmasters on the committee. Basically it's a senior leadership position within the troop for a youth member. It would consist of possibly filling the duties of Scoutmaster or senior patrol leader if need be. It varied depending on the troop and the day, depending on the individual.

Q. What were your responsibilities when you were patrol leader?

A. Basically reporting to the senior patrol leader, having weekly patrol meetings, basically organizing the patrol. Depending on the type of troop, the type of event, organizing, looking for a Scout camping trip and things of that nature. Helping the other Scouts advance in rank.

Q. Your patrol included how many boys approximately?

A. It really depended; it varied from troop to troop.

Q. What range did it vary?

A. Most likely between five and eleven.

* * * *

Q. Mr. Dale, we talked earlier about weekly troop meetings and summer camp. Apart from weekly troop meetings and summer camp, what other activities did your troops participate in as a troop?

A. Service projects, camping events in general, numerous communications such as Scout fairs, Scout shows, sometimes troop-sponsored fund-raising events, sometimes Council events such as dinners or things of that sort.

Q. What service projects were your troops involved in?

A. Well, my Eagle Scout project was reconstructing a trail at Holmdel Park. Other service projects included selling items for fund-raising like the Haskell Estate hunt, cleanup for that, and recycling and things of that sort.

Q. So, in other words, the troop as a group would go out and help clean up an area, pick up the trash for an outdoor area and that sort of thing?

A. Often, yes.

Q. You mentioned camping. How often did your troop go camping?

A. It varied greatly from troop to troop.

Q. Let's take it troop by troop then.

A. Troop 220, probably about once a month, once or twice a month. The same would hold true for Troop 128,

probably about twice a month. And Troop 73, approximately once a month.

Q. What is a Scout fair or a Scout show? Is that the same thing?

A. Pretty much the same thing. I think the name had been changed, somewhat reflective of location possibly.

Q. How often does that event take place?

A. That was an annual event.

Q. Is that a kind of demonstration of various Scout crafts and activities?

A. That's correct, among other things.

Q. Among what other things?

A. Such as being a camping event, an opportunity for various troops to meet and discuss things, to have -- enjoy activities, events, competitions and things of that sort.

Q. So it was an annual opportunity to interact with other troops in the area?

A. Yes, one opportunity.

Q. Were there other opportunities to interact with other troops in the area?

A. Yes, there were.

Q. What were those?

A. One would be the Klondike Derby. Just other jamboree-types of events which were not necessarily annual in nature.

Q. Do you know what intervals they occurred in?

A. Sometimes sporadic, sometimes it was -- it had a lot to do with councils and districting and that sort of thing. The annual events were the Klondike Derby and Scout fair or Scout show. Other things were more flexible and things of that sort.

Q. One year there might not be one but the next year there would be one?

A. There would always be some type of Councilwide event. Sometimes the type of event would change.

Q. I want a feel for how often they occurred. There would be a Councilwide event every year?

A. In addition to the ones I previously mentioned, yes, once a year.

Q. Two Councilwide events a year approximately --

A. Maybe two or three. Camping events.

Q. And the remainer of the time the troop was camping, it would be camping on its own?

A. No. I didn't say that.

Q. Would they be camping with other groups?

A. Sometimes they camped with other groups. There is the summer camp I mentioned previously.

Q. I didn't mean to include the summer camp. I was talking about weekend-type activities.

A. Yes.

Q. These fund-raising events you referred to, events to raise funds for the troop, were they?

A. Yes. Also the Council.

Q. What fund-raising events did you participate in?

A. The Haskell Estate hunt, newspaper drives, selling popcorn, selling Easter candy. Those are the ones that I can recall.

Q. Did you do a newspaper drive every year?

A. No.

Q. How often did that take place?

A. I believe when I did the newspaper drive, I was helping with other troops. I'm not certain. Possibly with my pack also, possibly.

Q. That was a one-time event?

A. Other troops had had it ongoing but none of my troops had an ongoing paper drive.

Q. So you can recall that you on some occasions helped out another troop with their paper drive?

A. That's correct.

Q. How about popcorn, was that an annual event?

A. No. I believe that was -- that went on for a year or so.

Q. How about Easter candy?

A. I believe that was annual throughout Cub Scouting.

Q. But that didn't happen in your Boy Scout troops?

A. Not that I can recall.

Q. Can you tell us the advancement rank you earned in Scouting?

A. Including the ones I mentioned previously?

Q. Yes. The events with ranks in Boy Scouting. I'm sorry. I didn't mean to include Cub Scouts.

A. Scout, Tenderfoot, First Class, Second Class, Star, Life, Eagle. Those are the badges that I earned.

Q. Did you have a Court of Honor for your Eagle?

A. Yes, I did.

Q. Can you describe that for us?

A. Basically there is a program attached in what was supplied today.

Q. Is there any videotape of that event?

A. No, not that I know of.

* * * *

Q. Then there's an item, "Presentation of the Eagle Badge." Then there is the phrase "I-n-g-w-e."

What was that?

A. One of my former Scoutmasters.

Q. Is that a nickname that he had?

A. I believe it's a name bestowed upon him by a South African tribe.

Q. Did he make any remarks at the time that he presented you with the badge?

A. Yes, he did.

Q. Do you recall what he said?

A. I can recall a general feeling of what he said. I'm not sure of the exact words.

Q. Can you give us what you recall?

A. Basically he mentioned our experience together as him being my Scoutmaster for a period of time, he mentioned he thought I was a wonderful candidate to be an Eagle Scout, that he thought very highly of me, that he felt I epitomized what an Eagle Scout should be, and he was very honored in presenting it to me. That was the general thing.

Q. Then the next item is "Presentation of Eagle Certificate and Eagle Scout Neckerchief." What took place at that point?

A. Basically Charles Niles presented me with the Eagle Scout certificate and Eagle Scout neckerchief and mentioned the history of the Eagle Scouts within Troop 73.

Q. Is that reflected on page 28 of Exhibit 3?

A. Yes.

Q. Then we come to an item "Presentation of Eagle Scout Parent Pins." Is that a presentation by you to your mom and dad of Eagle pins?

A. Yes.

Q. Then "Blanket Ceremony." What does that refer to?

A. A variation of the Native American ceremony. I believe that is bestowed upon chiefs of the tribe. It was a variation of that by Dennis Wood.

Q. So did he present you with a blanket as part of all of this?

A. No. But it was a ceremony including a blanket.

Q. Do you recall in substance what it involved?

A. Basically some Native American language -- I'm not exactly sure of the Native American language, but he spoke in the native tongue of an Indian tribe, and he basically felt I was a wonderful candidate for Eagle Scout and he was happy to know me.

Q. How did you know that's what he was saying?

A. Because he spoke in English too.

Q. He translated himself?

A. No. He mentioned -- some of it was in English and some in Native American. I believe the tongue was Leni-Lenape.

Q. Was he in Scout uniform during this ceremony?

A. I believe he was in Indian costume.

Q. Then there's an item called "Presentation of James' Scouting Record." What did that involve?

A. Basically I told the various troops I was a part of, how I was active in Scouting from the age of eight. I was very dedicated. The work I did with the Order of the Arrow, various awards I received in my Scouting career, things of that sort.

Q. Then there is "Introductions and Presentations from Community Leaders."

A. Yes.

Q. Was that a variety of people getting up and congratulating you and handing you certificates and things of that nature?

A. Yes.

Q. "Eagle's Response." Did you then address the group?

A. That's correct.

Q. Then there's "A Scoutmaster's Minute." What happened at that point?

A. Basically Earl Wightman spoke of my record in Scouting and the active participation he had had with me in the Scouting program and how he felt I was a good candidate and he was glad to know me and was very pleased that I had finally reached this last step within Scouting.

Q. I would like to ask you what, in substance, did you say to the group, if you recall?

A. Basically I thanked those who had helped me attain my merits in Scouting, provided encouragement and support for me. I thanked my parents, my Scoutmasters, I thanked the support of God in making this possible, and I basically thanked everyone for coming and being supportive of me, and I also promised to live up to their expectations and would do whatever I felt was right.

Q. Then the final item is "Benediction"?

A. That's correct.

Q. By the same church elder who performed the invocation?

A. Yes.

Q. Was that like the closing prayer?

A. Yes.

Q. In the course of talking about your Eagle ceremony, you mentioned Order of the Arrow. Were you a member of the Order of the Arrow?

A. Yes.

Q. What is that?

A. The Honor Camping Association of the Boy Scouts of America.

Q. How do you become a member of the Order of the Arrow?

A. You are nominated by your peers.

Q. Your peers being your fellow Scouts in your own troop?

A. That's correct.

Q. And then after you are nominated, how do you actually become a member?

A. You attend an ordeal weekend and then basically you go through the ordeal and either you do or don't become a member of the Order of the Arrow, or possibly you would go back at a later date if the circumstances weren't proper.

Q. Did you go through the ordeal weekend?

A. Yes, I did.

Q. Where did that take place?

A. Forestberg, New York. Forestberg Scout Reservation.

Q. Can you describe for us what happens on the ordeal weekend? You arrive at Forestberg. Then what happens?

A. Basically you go through Order of the Arrow ceremonies, a weekend of work and Scout service and various ceremonies within the Boy Scouts of America, within the Order of the Arrow Lodge and things of that sort.

Q. Is there a part of it where you sleep outside in the woods by yourself?

A. That's correct.

Q. Does that happen on the first night when you get there?

A. That's correct.

Q. Before that happens, is there some kind of a ceremony or campfires?

A. Yes.

Q. Can you describe that for us?

A. Well, I can, but I feel that I'm violating the Order of the Arrow. This is kind of secret and I'm not supposed to mention it. The ceremony is basically secretive. But if I'm further -- if I'm prompted, I will go into it. I took an oath. Only because I took an oath.

* * * *

Q. I'll note also that the date appears to be March 21 of 1989 when you signed this, which was three days after your Eagle Court of Honor. Does that refresh your recollection as to when you signed your adult leader application?

A. Yes. I was serving in the capacity prior to that date though.

Q. So now, there are a few people listed as references. Doris Dick is your mother?

A. That's correct.

Q. Earl Wightman was your Scoutmaster in Troop 73?

A. That's correct.

Q. And who is Amy Caddle?

A. A personal friend.

Q. There came a time when you became -- began to attend the Rutgers University Lesbian, Gay & Bisexual Alliance meetings, is that right?

A. Yes.

Q. When did you start to do that?

A. September of 1989.

Q. You mentioned on Exhibit 8 that you taught Sunday school. Was that at the Lutheran church?

A. King of Kings Lutheran Church.

Q. You mentioned a church youth group. What was that?

A. A church youth group at King of Kings consisting of church retreats, social meetings, things of that sort.

Q. In the course of your being raised in the Lutheran Church, has there ever come a time when you had an understanding of the church's position with respect to the morality of homosexual conduct or activity?

A. It was never mentioned.

Q. So to this day you have no information as to the church's position on that?

A. I do not know offhand what the position of the church is.

* * * *

Q. The bar at the end of your Order of the Arrow, is that indicating a certain rank in the Order of the Arrow?

A. Having attained brotherhood membership status.

Q. And you subsequently attained a higher status in the Order of the Arrow?

A. A vigil honor status.

Q. This photograph would have been taken sometime between when you attained brotherhood and had not yet attained vigil?

A. That's correct.

Q. Do you remember what year you attained vigil?

A. I have it on the list. Can I look through these documents?

Q. Yes.

A. June 8, 1986.

Q. And brotherhood?

A. April 1984, the fall. No, April 1984. Not the fall.

Q. How do you believe your involvement with the Scouting movement has influenced your development as a person?

A. Greatly. I mean I have been a member of the Scouting program for over 12 years, which constitutes over half of my Life, and I would say the period of time I was actively involved with the Scouting program, it was a very good developmental period of my Life as a youth developing. It has had an extremely large effect on my socialization and who I am today.

Q. Character development?

A. I would say my convictions, my values, what I believe in, what I stand up for. My effort -- the things I hold dear to myself I think are all very much representative of those values instilled in me by the Boy Scouts of America.

Q. Would they be the values found in the Boy Scouts' oath and law?

A. For the most part.

Q. Beyond the oath and law also?

A. My religious convictions and things like that, yes.

Q. I was getting at, you are not excepting any part of the oath and law from your remarks?

A. No. I still believe to this day I respect the oath and law.

Q. How did you come to become an assistant Scoutmaster after completing your eligibility as a youth member?

A. I was invited to be an assistant Scoutmaster by my Scoutmaster and committee members.

Q. Your Scoutmaster being Earl Wightman at that time?

A. Yes.

Q. Committee members being --

A. Basically Paul Terzulli, Sr., being the chair of the Troop 73 committee, and other members.

Q. Who else was a member of that committee?

A. I don't recall the specific individuals offhand.

Q. Did they individually speak to you or -- are we talking about an invitation here?

A. Earl Wightman definitely urged me to be an assistant Scoutmaster. It was almost a given. It wasn't a matter of saying, "Do you want to be an assistant Scoutmaster?" It was a normal progression. There was really no question as to whether I would be an assistant Scoutmaster or continue my participation in the program.

Q. In terms of invitation, the only person you can specifically identify who invited you to become an assistant Scoutmaster would be Earl Wightman?

A. Earl Wightman and Paul Terzulli, Sr., and also my father who was on the committee.

Q. Now, was there ever a time that you had a summer job at a Scout camp?

A. Yes, there was.

Q. When was that?

A. I believe it was the summer of -- if I can refer to these papers -- I believe it was the summer of 1986. Either the summer of '86 or '85. I can't recall.

Q. What were your duties?

A. I worked in both the Dan Beard trading post and I was dining hall steward for a period of time.

Q. Did you receive a salary or wage for that activity?

A. Yes, I did.

Q. What was the salary?

A. I don't recall offhand.

Q. Did you get free room and board?

A. Yes, I did.

Q. For how long a period was that?

A. I believe it was for two weeks.

Q. Two weeks?

A. Yes.

Q. Apart from these two weeks when you were working at the camp, did you ever receive any salary or wage for any other activity that you engaged in at Scouting?

A. I would say I would receive reimbursement for out-of-pocket expenses.

Q. Gas and tolls if you drove people to a camping trip or anything like that?

A. Gas, tolls, things of that sort. A lot of the time that I was chair, I had a lot of out-of-pocket expenses.

* * * *

Q. At any time before your 18th birthday, did you ever have a view as to the morality of homosexual conduct?

A. In reference to what?

Q. Not in reference to anything. Did you have a view as to whether homosexual conduct was or was not moral conduct?

A. Yes.

Q. And what was that view?

A. It wasn't a very concrete view. It was the assumption that due to lack of information, that possibly it was immoral, but it was not a concrete belief that homosexuality was immoral.

Q. When did you have that view?

A. I can't pinpoint it to one distinct time.

Q. Just whatever period, inclusive period of years you can give me would be helpful.

A. I would say my early adolescence.

Q. And when did you form a contrary view?

A. Actually I think I might want to rescind that statement. I don't know that I necessarily felt that homosexuality was immoral, generally speaking. I felt I did not want to be homosexual. That was not something that would be for me that I believed I was. I think that is a much more accurate portrayal of how I felt during my adolescence. I don't know if I had the morality to pass judgment on others though.

What was your question?

Q. My question is when did you come to a contrary view?

A. Well, being that I just said that I felt --

Q. When did you form a view that homosexual conduct was not immoral, was affirmatively not immoral?

A. I think the latter was a lot more accurate, that I felt homosexuality was not something I wanted to be or something that I thought was right for me, so therefore being that I rescind what I previously stated, I don't know if I can answer your second question.

Q. Well, do you now have a view that homosexual conduct is not immoral?

A. Yes, I believe homosexuality is not immoral.

Q. When did you form that view?

A. I would say I formed that view between my first and second years of college.

Q. During the period prior to your 18th birthday, did you ever read or hear anything to the effect that homosexual conduct was immoral?

A. In what realm?

Q. Any realm.

A. Possibly from religious fundamentalists on TV. Not any that I can think of. A lack of information is a better way of putting it, I would say.

Q. Are you aware a number of religious groups consider homosexual conduct to be immoral?

A. I'm aware some religious groups consider homosexuality to be immoral.

MR. DAVIDSON: I would like to have marked as Exhibit 15, a one-page xerox of a newspaper article which indicates "Ledger" in the upper left-hand corner, dated July 8, 1990.

(Whereupon, newspaper article dated July 8, 1990 marked Dale Exhibit 15 for identification, as of this date.)

Q. Mr. Dale, do you recognize Exhibit 15 as an article that appeared in the Newark Star Ledger on or about July 8, 1990?

A. Yes, I do.

Q. Did you see that article at the time it came out?

A. I think some period of time afterwards.

Q. In the paragraph that starts at the bottom of the second column with the words "James Dale, 19" and runs

over to the first line of the third column, it doesn't purport to quote you directly, but it says you made certain statements.

Did you tell the reporter that you lived a double Life while in high school pretending to be straight while attending a military academy?

A. I don't know if that's an accurate interpretation of what I had stated.

Q. What did you say?

A. I believe I inferred that --

Q. Implied.

A. Excuse me, I implied that I had, in a sense, tried to be heterosexual, that I was not fully conscious of my sexual orientation at that age and that I did what I assumed was expected of me.

Q. It is fair to say that you did not at that time regard yourself as pretending to be straight?

A. With hindsight I can look back and say I was pretending to be straight. At the time, which was up until the age of 18, 17, 16, 15, 14 while in high school, I don't think at that time I felt I was pretending to be straight, no.

Q. At the bottom of the third column to the top of the fourth column, there is a paragraph containing a purported quote from you. Did you tell the reporter that? Actually it is more accurately beginning with the purported exact quote and concludes with statements attributed to you without quotation marks.

A. Once again I think with hindsight, I stated that, not necessarily at the time, that I felt that I was looking for a role

model. I was looking for positive gay imagery or people that were openly gay and supportive when I was younger.

As I said previously, I don't think I considered myself pretending as they made reference to earlier in the article.

Q. Let me try to understand this. So you were looking for openly gay role models while a teenager but without understanding that you were gay?

A. Yes.

Q. As far as you know, were any of the adult leaders that you came into contact with in Scouting gay?

A. To me, I don't think sexual orientation had anything to do with Scouting. I didn't make reference or suppositions about any of my adult leaders being gay or not.

Q. I'm not really talking about what you were thinking about at the time. Now do you believe that any of your Scouting leaders were gay?

A. I have absolutely no idea.

Q. You today have no idea?

A. Today I have no idea. I really don't think it matters.

* * * *

Q. When was the last time you talked to any of your Scoutmasters?

A. I'd say about a month ago.

Q. Who was that?

A. Norman Powell.

Q. Did you talk about this situation with him?

A. Yes, I did.

Q. And what conversation did you have with him?

A. He basically said that he supports me, that he felt that if he had a grandson, that he would be more than happy to have me be his Scoutmaster, but he didn't really understand the whole issue of sexual orientation. I mean he understood it but basically he said that he still supports me as an individual.

Q. He must be quite a senior citizen by this time, don't you think?

A. I'd say he is pretty much on the ball.

Q. Is he in advanced years?

A. I would say late 70's, early 80's. He is an heir to Lord Baden Powell, the founder of the Boy Scouts.

Q. Have you talked to any of your other former Scoutmasters?

A. Not in relation to this case, no.

Q. In relation to anything else in recent times?

A. Recent being --

Q. Well, is the last Scouting thing you did is you went to your colleagues' Eagle Court of Honor?

A. Yes.

Q. Since then?

A. Yes.

Q. To whom have you spoken since then?

A. Earl Wightman.

Q. What was your conversation with Earl?

A. He just basically wanted to know how I was doing. We didn't really get into specifics.

Q. Was that subsequent to this situation developing?

A. Yes. I would say that was the fall of 1990.

Q. Did he call you or did you call him?

A. He called me.

Q. What did he say?

A. We just basically -- it was a brief conversation. He wanted to see how I was doing. He didn't mention this at all and neither did I.

Q. Is Mr. Powell active in Scouting anymore?

A. I don't believe he is, though I'm not certain.

Q. How about Earl Wightman?

A. I'm not certain.

MR. DAVIDSON: I would like to have marked as Exhibit 16, an article from Philadelphia Magazine, January 1993, consisting of nine pages. (Whereupon, Philadelphia Magazine article dated January 1993 marked Dale Exhibit 16 for identification, as of this date.)

Q. Mr. Dale, is Exhibit 16 an article that you saw in Philadelphia Magazine in or about January of 1993?

A. Yes, it is.

Q. Were you interviewed for this article?

A. Yes, I was.

Q. If you flip over to the third page of the xerox copy, the one that has a picture of some boys saluting down in the lower left-hand corner, you will note that in the second full paragraph or the right-hand column there's a quote attributed to you that begins "At Boy Scouts." Did you say those words to the reporter?

MS. COSTA: Are you referring to the words in quotes?

MR. DAVIDSON: Yes, the words in quotes in that paragraph.

A. Yes.

Q. Did you tell the reporter that the Order of the Arrow induction ceremony was a dramatic ceremony?

A. No, I did not.

Q. Is this a male or female author?

A. A male.

Q. Did you tell him about the ceremony in general terms?

A. Very, very general terms.

Q. You mentioned Native American rituals and costumes?

A. Yes.

Q. And it was out in the woods?

A. Yes, it was common knowledge.

Q. And that it had a big impact on you?

A. Oh, yes.

Q. Skip down to the sentence, "He rose to chairman in the Order of the Arrow ceremonies team."

Do you see that three or four lines above the division on the page?

A. Yes, I see that.

Q. Focusing on the next sentence, "Dale was also becoming an important role model for the younger scouts."

Did you tell the reporter that?

A. I think he might have inferred it. He might have, yes, inferred that. I don't know if I said it in those words.

Q. Did you tell him that you were someone an eleven-year-old could confide in?

A. I think he made that assumption.

Q. Well, did you spend some time telling the reporter about your various roles as a youth leader in Scouting?

A. Yes.

Q. And in the course of that discussion, did you make it clear to him that you did serve as a role model for the younger Scouts and as a counselor to the older Scouts?

A. I would assume, yes.

Q. Because it is true that you served in that role, is that right?

A. That's correct.

Q. When younger Scouts had a problem, they could turn to you?

A. Yes.

Q. Did you tell the reporter, in words or substance, that without adults wanting to volunteer huge amounts of time and energy, the troop would simply vanish overnight?

A. Those weren't my exact words, of course, but I think the general thrust of what I said is interpreted there.

Q. Turn over to the page that has a picture of Baden Powell on it and to the left-hard column below the break in the page. There is a sentence that says, "Dale became deeply involved in gay rights issues and maintained a high profile on campus." Is that accurate?

A. That's correct.

Q. Then down in the next -- not the next paragraph but the paragraph after that, there is a reference to your accepting an invitation to speak at a conference for social workers, principals and guidance counselors. And in referring to your acceptance of that invitation, the reporter refers to "remembering the self-loathing he carried throughout his teenage years." Did you tell the reporter that?

A. I did not state that.

Q. Is that an accurate characterization of your state of mind during your teenage years?

A. I don't agree, no.

Q. You had a positive self-image as a teenager?

A. I didn't say that either. I think it was somewhat mixed.

Q. But certainly not falling into the self-loathing category?

A. I wouldn't say self-loathing, no.

* * * *